

June 22, 2006

Ordered to be printed as passed

109TH CONGRESS  
2D SESSION

**S. 2766**

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**AN ACT**

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; FINDINGS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “John Warner National Defense Authorization Act for  
6       Fiscal Year 2007”.

1 (b) FINDINGS.—Congress makes the following find-  
2 ings:

3 (1) Senator John Warner of Virginia was elect-  
4 ed a member of the United States Senate on Novem-  
5 ber 7, 1978, for a full term beginning on January  
6 3, 1979. He was subsequently appointed by the Gov-  
7 ernor of Virginia to fill a vacancy on January 2,  
8 1979, and has served continuously since that date.  
9 He was appointed a member of the Committee on  
10 Armed Services in January 1979, and has served  
11 continuously on the Committee since that date, a pe-  
12 riod of nearly 28 years. Senator Warner's service on  
13 the Committee represents nearly half of its existence  
14 since it was established after World War II.

15 (2) Senator Warner came to the Senate and the  
16 Committee on Armed Services after a distinguished  
17 record of service to the Nation, including combat  
18 service in the Armed Forces and high civilian office.

19 (3) Senator Warner enlisted in the United  
20 States Navy upon graduation from high school in  
21 1945, and served until the summer of 1946, when  
22 he was discharged as a Petty Officer 3rd Class. He  
23 then attended Washington and Lee University on  
24 the G.I. Bill. He graduated in 1949 and entered the  
25 University of Virginia Law School.

1           (4) Upon the outbreak of the Korean War in  
2           1950, Senator Warner volunteered for active duty,  
3           interrupting his education to accept a commission in  
4           the United States Marine Corps. He served in com-  
5           bat in Korea as a ground officer in the First Marine  
6           Air Wing. Following his active service, he remained  
7           in the Marine Corps Reserve for several years, at-  
8           taining the rank of captain.

9           (5) Senator Warner resumed his legal education  
10          upon returning from the Korean War and graduated  
11          from the University of Virginia Law School in 1953.  
12          He was selected by the late Chief Judge E. Barrett  
13          Prettyman of the United States Court of Appeals for  
14          the District of Columbia Circuit as his law clerk.  
15          After his service to Judge Prettyman, Senator War-  
16          ner became an Assistant United States Attorney in  
17          the District of Columbia, and later entered private  
18          law practice.

19          (6) In 1969, the Senate gave its advice and  
20          consent to the appointment of Senator Warner as  
21          Under Secretary of the Navy. He served in this posi-  
22          tion until 1972, when he was confirmed and ap-  
23          pointed as the 61st Secretary of the Navy since the  
24          office was established in 1798. As Secretary, Sen-  
25          ator Warner was the principal United States nego-

1       tiator and signatory of the Incidents at Sea Execu-  
2       tive Agreement with the Soviet Union, which was  
3       signed in 1972 and remains in effect today. It has  
4       served as the model for similar agreements between  
5       states covering the operation of naval ships and air-  
6       craft in international sea lanes throughout the  
7       world.

8               (7) Senator Warner left the Department of the  
9       Navy in 1974. His next public service was as Direc-  
10      tor of the American Revolution Bicentennial Com-  
11      mission. In this capacity, he coordinated the celebra-  
12      tion of the Nation's founding, directing the Federal  
13      role in all 50 States and in over 20 foreign nations.

14             (8) Senator Warner has served as chairman of  
15      the Committee on Armed Services of the United  
16      States Senate from 1999 to 2001, and again since  
17      January 2003. He served as ranking minority mem-  
18      ber of the committee from 1987 to 1993, and again  
19      from 2001 to 2003. Senator Warner concludes his  
20      service as chairman at the end of the 109th Con-  
21      gress, but will remain a member of the committee.

22             (9) This Act is the twenty-eighth annual au-  
23      thorization act for the Department of Defense for  
24      which Senator Warner has taken a major responsi-  
25      bility as a member of the Committee on Armed

1 Services of the United States Senate, and the four-  
 2 teenth for which he has exercised a leadership role  
 3 as chairman or ranking minority member of the  
 4 committee.

5 (10) Senator Warner, as seaman, Marine offi-  
 6 cer, Under Secretary and Secretary of the Navy, and  
 7 member, ranking minority member, and chairman of  
 8 the Committee on Armed Services, has made unique  
 9 and lasting contributions to the national security of  
 10 the United States.

11 (11) It is altogether fitting and proper that his  
 12 Act, the last annual authorization Act for the na-  
 13 tional defense that Senator Warner manages in and  
 14 for the United States Senate as chairman of the  
 15 Committee on Armed Services, be named in his  
 16 honor, as provided in subsection (a).

17 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 18 **CONTENTS.**

19 (a) DIVISIONS.—This Act is organized into three divi-  
 20 sions as follows:

21 (1) Division A—Department of Defense Au-  
 22 thorizations.

23 (2) Division B—Military Construction Author-  
 24 izations.

1           (3) Division C—Department of Energy Na-  
 2           tional Security Authorizations and Other Authoriza-  
 3           tions.

4           (b) TABLE OF CONTENTS.—The table of contents for  
 5 this Act is as follows:

- Sec. 1. Short title; findings.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.

#### Subtitle B—Army Programs

- Sec. 111. Limitation on availability of funds for the Joint Network Node.
- Sec. 112. Comptroller General report on the contract for the Future Combat Systems program.
- Sec. 113. Reports on Army Modularity Initiative.
- Sec. 114. Replacement equipment.

#### Subtitle C—Navy Programs

- Sec. 121. CVN-21 class aircraft carrier procurement.
- Sec. 122. Construction of first two vessels under the next-generation destroyer program.
- Sec. 123. Modification of limitation on total cost of procurement of CVN-77 aircraft carrier.

#### Subtitle D—Air Force Programs

- Sec. 141. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.
- Sec. 142. Prohibition on retirement of C-130E/H tactical airlift aircraft.
- Sec. 143. Limitation on retirement of KC-135E aircraft.
- Sec. 144. Limitation on retirement of B-52H bomber aircraft.
- Sec. 145. Retirement of B-52H bomber aircraft.
- Sec. 146. Funding for procurement of F-22A fighter aircraft.
- Sec. 147. Multiyear procurement of F-119 engines for F-22A fighter aircraft.
- Sec. 148. Multi-spectral imaging capabilities.
- Sec. 149. Minuteman III Intercontinental Ballistic Missiles.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for science and technology.
- Sec. 203. Amount for development and validation of warfighter rapid awareness processing technology.

#### Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Independent estimate of costs of the Future Combat Systems.
- Sec. 212. Funding of defense science and technology programs.
- Sec. 213. Hypersonics development.
- Sec. 214. Trident sea-launched ballistic missiles.
- Sec. 215. Arrow ballistic missile defense system.
- Sec. 216. High Energy Laser Low Aspect Target Tracking.
- Sec. 217. Advanced Aluminum Aerostructures Initiative.
- Sec. 218. Legged mobility robotic research.
- Sec. 219. Wideband Digital Airborne Electronic Sensing Array.
- Sec. 220. Science and technology.

#### Subtitle C—Missile Defense Programs

- Sec. 231. Availability of research, development, test, and evaluation funds for fielding ballistic missile defense capabilities.
- Sec. 232. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.
- Sec. 233. One-year extension of Comptroller General assessments of ballistic missile defense programs.
- Sec. 234. Submittal of plans for test and evaluation of the operational capability of the ballistic missile defense system.
- Sec. 235. Annual reports on transition of ballistic missile defense programs to the military departments.
- Sec. 236. Testing and operations for missile defense.

#### Subtitle D—Other Matters

- Sec. 251. Extension of requirement for Global Research Watch Program.
- Sec. 252. Expansion and extension of authority to award prizes for advanced technology achievements.
- Sec. 253. Policies and practices on test and evaluation to address emerging acquisition approaches.
- Sec. 254. Development of the propulsion system for the Joint Strike Fighter.
- Sec. 255. Independent cost analyses for Joint Strike Fighter engine program.
- Sec. 256. Sense of Senate on technology sharing of Joint Strike Fighter technology.
- Sec. 257. Report on biometrics programs of the Department of Defense.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense programs.

#### Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Limitation on availability of funds for the Army Logistics Modernization Program.

- Sec. 312. Availability of funds for exhibits for the national museums of the Armed Forces.
- Sec. 313. Limitation on financial management improvement and audit initiatives within the Department of Defense.
- Sec. 314. Limitation on availability of operation and maintenance funds for the management headquarters of the Defense Information Systems Agency.
- Sec. 315. Expansion of Junior Reserve Officers' Training Corps program.
- Sec. 316. Infantry Combat Equipment.
- Sec. 317. Individual First Aid Kit.
- Sec. 318. Reading for the Blind and Dyslexic program of the Department of Defense.
- Sec. 319. Military training infrastructure improvements at Virginia Military Institute.
- Sec. 320. Environmental documentation for beddown of F-22A aircraft at Holloman Air Force Base, New Mexico.

#### Subtitle C—Environmental Provisions

- Sec. 331. Response plan for remediation of military munitions.
- Sec. 332. Extension of authority to grant exemptions to certain requirements.
- Sec. 333. Research on effects of ocean disposal of munitions.
- Sec. 334. Clarification of multi-year authority to use base closure funds to fund cooperative agreements under Environmental Restoration Program.
- Sec. 335. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

#### Subtitle D—Reports

- Sec. 351. Comptroller General report on readiness of the ground forces of the Army and the Marine Corps.
- Sec. 352. National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina.
- Sec. 353. Report on aerial training airspace requirements of the Department of Defense.
- Sec. 354. Report on actions to reduce Department of Defense consumption of petroleum-based fuel.
- Sec. 355. Reports on withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.
- Sec. 356. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.
- Sec. 357. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.
- Sec. 358. Report on vehicle-based active protection systems for certain battle-field threats.
- Sec. 359. Report on high altitude aviation training site, Eagle County, Colorado.
- Sec. 360. Report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.
- Sec. 360A. Report on use of alternative fuels by the Department of Defense.

#### Subtitle E—Workplace and Depot Issues



- Sec. 361. Minimum capital investment levels for public depots serviced by working capital funds.
- Sec. 362. Permanent exclusion of certain contract expenditures from percentage limitation on the performance of depot-level maintenance.
- Sec. 363. Additional exception to prohibition on contractor performance of fire-fighting functions.
- Sec. 364. Temporary security guard services for certain work caused by realignment of military installations under the base closure laws.

#### Subtitle F—Other Matters

- Sec. 371. Recycling of military munitions.
- Sec. 372. Incentives clauses in chemical demilitarization contracts.
- Sec. 373. Extension of Department of Defense telecommunications benefit program.
- Sec. 374. Extension of availability of funds for commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.
- Sec. 375. Energy efficiency in weapons platforms.
- Sec. 376. Chemical demilitarization program contracting authority.
- Sec. 377. Utilization of fuel cells as back-up power systems in Department of Defense operations.
- Sec. 378. Prepositioning of Department of Defense assets to improve support to civilian authorities.
- Sec. 379. Recovery and availability to corporation for the promotion of rifle practice and firearms safety of certain firearms, ammunition, and parts.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

#### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Repeal of requirement for permanent end strength levels to support two major regional contingencies.

#### Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

#### Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
- Sec. 422. Armed Forces Retirement Home.

### TITLE V—MILITARY PERSONNEL POLICY

#### Subtitle A—Officer Personnel Policy

#### PART I—OFFICER PERSONNEL POLICY GENERALLY

- Sec. 501. Military status of officers serving in certain intelligence community positions.

- Sec. 502. Extension of temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
- Sec. 503. Extension of age limits for active-duty general and flag officers.
- Sec. 504. Modification of authorities on senior members of the Judge Advocate General's Corps.
- Sec. 505. Requirement for significant joint experience for officers appointed as Surgeon General of the Army, Navy, and Air Force.
- Sec. 506. Grade and exclusion from active-duty general and flag officer distribution and strength limitations of officer serving as Attending Physician to the Congress.
- Sec. 507. Discretionary separation and retirement of chief warrant officers, W-4, twice failing selection for promotion.
- Sec. 508. Increased mandatory retirement ages for reserve officers.
- Sec. 509. Modification of qualifications for leadership of the Naval Postgraduate School.

#### PART II—OFFICER PROMOTION POLICY

- Sec. 515. Promotions.
- Sec. 516. Consideration of adverse information by promotion selection boards in recommendations on officers to be promoted.
- Sec. 517. Expanded authority for removal from reports of selection boards of officers recommended for promotion to grades below general and flag grades.
- Sec. 518. Clarification of nondisclosure requirements applicable to promotion selection board proceedings.
- Sec. 519. Special selection board authorities.
- Sec. 520. Removal from promotion lists of officers returned to the President by the Senate.
- Sec. 521. Report on joint officer promotion boards.

#### PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

- Sec. 526. Modification and enhancement of general authorities on management of joint qualified officers.
- Sec. 527. Modification of promotion policy objectives for joint officers.
- Sec. 528. Applicability of joint duty assignment requirements limited to graduates of National Defense University schools.
- Sec. 529. Modification of definitions relating to jointness.
- Sec. 530. Condition on appointment of commissioned officers to position of Director of National Intelligence or Director of the Central Intelligence Agency.

#### Subtitle B—Reserve Component Personnel Matters

- Sec. 531. Enhanced flexibility in the management of reserve component personnel.
- Sec. 532. Expansion of activities authorized for Reserves under Weapons of Mass Destruction Civil Support Teams.
- Sec. 533. Modification of authorities relating to the Commission on the National Guard and Reserves.
- Sec. 534. Pilot program on reintegration of members of the National Guard into civilian life after deployment.

#### Subtitle C—Military Justice and Related Matters

- Sec. 551. Applicability of Uniform Code of Military Justice to members of the Armed Forces ordered to active duty overseas in inactive duty for training status.
- Sec. 552. Clarification of application of Uniform Code of Military Justice during a time of war.

#### Subtitle D—Education and Training Matters

- Sec. 561. Detail of commissioned officers as students at medical schools.
- Sec. 562. Expansion of eligibility to provide Junior Reserve Officers' Training Corps instruction.
- Sec. 563. Increase in maximum amount of repayment under education loan repayment for officers in specified health professions.
- Sec. 564. Increase in benefits under Health Professions Scholarship and Financial Assistance program.
- Sec. 565. Report on Health Professions Scholarship and Financial Assistance program.
- Sec. 566. Expansion of instruction available at the Naval Postgraduate School for enlisted members of the Armed Forces.
- Sec. 567. Modification of actions to address sexual harassment and sexual violence at the service academies.
- Sec. 568. Department of Defense policy on service academy and ROTC graduates seeking to participate in professional sports before completion of their active-duty service obligations.
- Sec. 569. Review of legal status of Junior ROTC program.
- Sec. 570. Junior Reserve Officers' Training Corps instructor qualifications.
- Sec. 570A. Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.

#### Subtitle E—Defense Dependents Education Matters

- Sec. 571. Funding for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Impact aid for children with severe disabilities.
- Sec. 573. Plan to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or BRAC.
- Sec. 574. Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units.

#### Subtitle F—Other Matters

- Sec. 581. Administration of oaths.
- Sec. 582. Military ID cards for retiree dependents who are permanently disabled.
- Sec. 583. Military voting matters.
- Sec. 584. Presentation of Medal of Honor Flag to primary next of kin of Medal of Honor recipients.
- Sec. 585. Modification of effective period of authority to present recognition items for recruitment and retention purposes.
- Sec. 586. Military Severely Injured Center.

- Sec. 587. Sense of Senate on notice to Congress of recognition of members of the Armed Forces for extraordinary acts of bravery, heroism, and achievement.
- Sec. 588. Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces.
- Sec. 589. Purple Heart award eligibility.
- Sec. 590. Comprehensive review on procedures of the Department of Defense on Mortuary Affairs.
- Sec. 591. Report on omission of social security numbers on military identification cards.
- Sec. 592. Funeral ceremonies for veterans.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.
- Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades.
- Sec. 603. Clarification of effective date of prohibition on compensation for correspondence courses.
- Sec. 604. One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
- Sec. 605. Additional housing allowance for Reserves on active duty in support of a contingency operation.
- Sec. 606. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are members of the uniformed services.

### Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 615. Increase in special pay for Selected Reserve health care professionals in critically short wartime specialties.
- Sec. 616. Expansion and enhancement of accession bonus authorities for certain officers in health care specialties.
- Sec. 617. Increase in nuclear career accession bonus for nuclear-qualified officers.
- Sec. 618. Modification of certain authorities applicable to the targeted shaping of the Armed Forces.
- Sec. 619. Extension of pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army.
- Sec. 620. Accession bonus for members of the Armed Forces appointed as commissioned officers after completing officer candidate school.
- Sec. 621. Enhancement of bonus to encourage members of the Army to refer other persons for enlistment in the Army.

### Subtitle C—Travel and Transportation Allowances

- Sec. 631. Expansion of payment of replacement value of personal property damaged during transport at government expense.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Modification of Department of Defense contributions to Military Retirement Fund and government contributions to Medicare-Eligible Retiree Health Care Fund.
- Sec. 642. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.
- Sec. 643. Effective date of paid-up coverage under Survivor Benefit Plan.
- Sec. 644. Expansion of conditions for direct payment of divisible retired pay.
- Sec. 645. Authority for cost of living adjustments of retired pay treated as divisible property.
- Sec. 646. Notice and copy to members of court orders on payment of retired pay.
- Sec. 647. Retention of assistive technology and devices by certain members of the Armed Forces after separation from service.
- Sec. 648. Renaming of death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.
- Sec. 649. Effective date of termination of phase-in of concurrent receipt for veterans with service-connected disabilities rated as total by virtue of unemployability.
- Sec. 650. Determination of retired pay base of general and flag officers based on rates of basic pay provided by law.
- Sec. 651. Inapplicability of retired pay multiplier maximum percentage to service of members of the Armed Forces in excess of 30 years.
- Sec. 652. Modification of eligibility for commencement of authority for optional annuities for dependents under the survivor benefit plan.
- Sec. 653. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.

Subtitle E—Other Matters

- Sec. 661. Audit of pay accounts of members of the Army evacuated from a combat zone for inpatient care.
- Sec. 662. Pilot Program on Troops to Nurse Teachers.
- Sec. 663. Expansion and enhancement of authority to remit or cancel indebtedness of members of the Armed Forces.
- Sec. 664. Exception for notice to consumer reporting agencies regarding debts or erroneous payments pending a decision to waive, remit, or cancel.
- Sec. 665. Enhancement of authority to waive claims for overpayment of pay and allowances.
- Sec. 666. Terms of consumer credit extended to servicemember or servicemember's dependent.
- Sec. 667. Joint family support assistance program.
- Sec. 668. Improvement of management of Armed Forces Retirement Home.

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

- Sec. 681. Short title.

- Sec. 682. Special working group on transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 683. Office for employers and employment assistance organizations.
- Sec. 684. Additional responsibilities of Department of Defense task force on mental health relating to mental health of members of the National Guard and Reserve deployed in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 685. Grants on assistance in community-based settings for members of the National Guard and Reserve and their families after deployment in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 686. Longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 687. Training curricula for family caregivers on care and assistance for members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom and Operation Enduring Freedom.

## TITLE VII—HEALTH CARE

### Subtitle A—Benefits Matters

- Sec. 701. Improved procedures for cancer screening for women.
- Sec. 702. National mail-order pharmacy program.
- Sec. 703. Availability under TRICARE of anesthesia for children in connection with dental procedures for which dental anesthesia is inappropriate.
- Sec. 704. TRICARE coverage for forensic examinations following sexual assaults and domestic violence.
- Sec. 705. Prohibition on increase in fiscal year 2007 in enrollment fees for coverage under TRICARE Prime.
- Sec. 706. Limitation on fiscal year 2007 increase in premiums for coverage under TRICARE of members of reserve components who commit to continued service in Selected Reserve after release from active duty.
- Sec. 707. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
- Sec. 708. Expansion of eligibility of members of the Selected Reserve for coverage under TRICARE.

### Subtitle B—Planning, Programming, and Management

- Sec. 721. Treatment of TRICARE Retail Pharmacy Network under Federal procurement of pharmaceuticals.
- Sec. 722. Relationship between the TRICARE program and employer-sponsored group health care plans.
- Sec. 723. Enrollment in the TRICARE program.
- Sec. 724. Incentive payments for the provision of services under the TRICARE program in medically underserved areas.
- Sec. 725. Standardization of claims processing under TRICARE program and Medicare program.
- Sec. 726. Requirements for support of military treatment facilities by civilian contractors under TRICARE.

- Sec. 727. Uniform standards for access to health care services for wounded or injured servicemembers.
- Sec. 728. Disease and chronic care management.
- Sec. 729. Post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.
- Sec. 730. Mental Health Self-Assessment Program.
- Sec. 731. Additional authorized option periods for extension of current contracts under TRICARE.
- Sec. 732. Military vaccination matters.
- Sec. 733. Enhanced mental health screening and services for members of the Armed Forces.
- Sec. 734. Education, training, and supervision of personnel providing special education services under extended benefits under TRICARE.

#### Subtitle C—Studies and Reports

- Sec. 741. Pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions.
- Sec. 742. Annual reports on certain medical malpractice cases.
- Sec. 743. Comptroller General study on Department of Defense pharmacy benefits program.
- Sec. 744. Comptroller General audits of Department of Defense health care costs and cost-saving measures.
- Sec. 745. Review of Department of Defense medical quality improvement program.
- Sec. 746. Study of health effects of exposure to depleted uranium.

#### Subtitle D—Other Matters

- Sec. 761. Extension of limitation on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 762. Transfer of custody of the Air Force health study assets to Medical Follow-Up Agency.
- Sec. 763. Sense of Senate on the Transformational Medical Technology Initiative of the Department of Defense.

### TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

#### Subtitle A—Acquisition Policy and Management

- Sec. 801. Additional certification requirements for major defense acquisition programs.
- Sec. 802. Extension and enhancement of Defense Acquisition Challenge Program.
- Sec. 803. Baseline description and unit cost reports for major defense acquisition programs.
- Sec. 804. Major automated information system programs.
- Sec. 805. Adjustment of original baseline estimate for major defense acquisition programs experiencing cost growth resulting from damage caused by Hurricanes Katrina, Rita, and Wilma.
- Sec. 806. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
- Sec. 807. Regulations on use of fixed-price contracts in development programs.
- Sec. 808. Availability of funds for performance-based logistics contracts for weapon systems logistics support.

- Sec. 809. Quality control in procurement of ship critical safety items and related services.
- Sec. 810. Three-year extension of requirement for reports on commercial price trend analyses of the Department of Defense.
- Sec. 811. Pilot program on time-certain development in acquisition of major weapon systems.
- Sec. 812. Government performance of critical acquisition functions.

#### Subtitle B—Defense Industrial Base Matters

- Sec. 821. Removal of hand and measuring tools from certain requirements.
- Sec. 822. Applicability of certain requirements regarding specialty metals.
- Sec. 823. Waiver authority for domestic source or content requirements.
- Sec. 824. Repeal of requirement for identification of essential military items and military system essential item breakout list.
- Sec. 825. Consistency with United States obligations under trade agreements.

#### Subtitle C—Defense Contractor Matters

- Sec. 841. Requirements for defense contractors relating to certain former Department of Defense officials.
- Sec. 842. Lead systems integrators.
- Sec. 843. Linking of award and incentive fees to acquisition outcomes.
- Sec. 844. Prohibition on excessive pass-through charges.
- Sec. 845. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selective Reserve.

#### Subtitle D—Program Manager Matters

- Sec. 861. Program manager empowerment and accountability.
- Sec. 862. Tenure and accountability of program managers for program development periods.
- Sec. 863. Tenure and accountability of program managers for program execution periods.
- Sec. 864. Department of Defense plan for contingency program management.
- Sec. 865. Comptroller General report.

#### Subtitle E—Other Matters

- Sec. 871. Clarification of authority to carry out certain prototype projects.
- Sec. 872. One-year extension of special temporary contract closeout authority.
- Sec. 873. One-year extension of inapplicability of certain laws to contracting with employers of persons with disabilities.
- Sec. 874. Pilot program on expanded use of mentor-protege authority.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

#### Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

- Sec. 901. United States Military Cancer Institute.
- Sec. 902. Senior acquisition executive for special operations within staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
- Sec. 903. United States Marine Band and United States Marine Drum and Bugle Corps.



Sec. 904. Military deputies to the assistant secretaries of the military departments for acquisition, logistics, and technology matters.

#### Subtitle B—Space Activities

- Sec. 911. Establishment of operationally responsive space capabilities.
- Sec. 912. Extension of authority for pilot program on provision of space surveillance network services to non-United States Government entities.
- Sec. 913. Independent review and assessment of Department of Defense organization and management for national security in space.

#### Subtitle C—Other Matters

- Sec. 921. Department of Defense policy on unmanned systems.
- Sec. 922. Executive Schedule level IV for Deputy Under Secretary of Defense for Logistics and Materiel Readiness.
- Sec. 923. Three-year extension of joint incentives program on sharing of health care resources by the Department of Defense and Department of Veterans Affairs.
- Sec. 924. Sense of Senate on nomination of individual to serve as Director of Operational Test and Evaluation on a permanent basis.
- Sec. 925. Inclusion of homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review.
- Sec. 926. Reforms to the Defense Travel System to a Fee-For-Use-of-Service System.
- Sec. 927. Report on incorporation of elements of the reserve components into the Special Forces.

#### Subtitle D—National Guard Bureau Matters

- Sec. 931. Short title.
- Sec. 932. Expanded authority of Chief of the National Guard Bureau and expanded functions of the National Guard Bureau.
- Sec. 933. Requirement that position of Deputy Commander of the United States Northern Command be filled by a qualified National Guard officer.

### TITLE X—GENERAL PROVISIONS

#### Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2006.
- Sec. 1003. Reduction in certain authorizations due to savings relating to lower inflation.
- Sec. 1004. Increase in fiscal year 2006 general transfer authority.
- Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2007.
- Sec. 1006. Modification of date of submittal of OMB/CBO report on scoring of outlays.
- Sec. 1007. Prohibition on parking of funds.
- Sec. 1008. Incorporation of Classified Annex.
- Sec. 1009. Reports to Congress and notice to public on earmarks in funds available to the Department of Defense.

### Subtitle B—Naval Vessels

- Sec. 1011. Repeal of requirement for 12 operational aircraft carriers within the Navy.
- Sec. 1012. Approval of transfer of naval vessels to foreign nations by vessel class.
- Sec. 1013. Naming of CVN-78 Aircraft Carrier as the U.S.S. Gerald Ford.
- Sec. 1014. Authority to donate SS ARTHUR M. HUDDALL to the Government of Greece.

### Subtitle C—Counterdrug Matters

- Sec. 1021. Extension of availability of funds for unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1022. Extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.
- Sec. 1023. Extension and expansion of certain authorities to provide additional support for counterdrug activities.
- Sec. 1024. Operation Bahamas, Turks & Caicos.

### Subtitle D—Defense Intelligence and Related Matters

- Sec. 1031. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 1032. Annual report on intelligence oversight activities of the Department of Defense.
- Sec. 1033. Administration of pilot project on Civilian Linguist Reserve Corps.
- Sec. 1034. Improvement of authorities on the National Security Education Program.
- Sec. 1035. Collection by National Security Agency of service charges for certification or validation of information assurance products.
- Sec. 1036. Funding for a certain military intelligence program.

### Subtitle E—Defense Against Terrorism and Related Security Matters

- Sec. 1041. Enhancement of authority to pay monetary rewards for assistance in combating terrorism.
- Sec. 1042. Use of the Armed Forces in major public emergencies.
- Sec. 1043. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.
- Sec. 1044. Temporary National Guard support for securing the southern land border of the United States.

### Subtitle F—Miscellaneous Authorities on Availability and Use of Funds

- Sec. 1051. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense costs of conferences.
- Sec. 1052. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.
- Sec. 1053. Increased flexibility in use of funds for Joint Staff exercises.
- Sec. 1054. Strengthening the Special Inspector General for Iraq Reconstruction.

### Subtitle G—Report Matters

- Sec. 1061. Report on clarification of prohibition on cruel, inhuman, or degrading treatment or punishment.

- Sec. 1062. Reports on members of the Armed Forces and civilian employees of the Department of Defense serving in the Legislative Branch.
- Sec. 1063. Additional element in annual report on chemical and biological warfare defense.
- Sec. 1064. Report on Local Boards of Trustees of the Armed Forces Retirement Home.
- Sec. 1065. Repeal of certain report requirements.
- Sec. 1066. Report on incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection.
- Sec. 1067. Report on reporting requirements applicable to the Department of Defense.
- Sec. 1068. Report on technologies for neutralizing or defeating threats to military rotary wing aircraft from portable air defense systems and rocket propelled grenades.
- Sec. 1069. Reports on Department of Justice efforts to investigate and prosecute cases of contracting abuse in Iraq, Afghanistan, and throughout the war on terror.
- Sec. 1070. Report on biodefense staffing and training requirements in support of national biosafety laboratories.
- Sec. 1070A. Annual report on acquisitions of articles, materials, and supplies manufactured outside the United States.
- Sec. 1070B. Annual report on foreign sales of significant military equipment manufactured inside the United States.
- Sec. 1070C. Report on feasibility of establishing regional combatant command for Africa.
- Sec. 1070D. Annual reports on expanded use of unmanned aerial vehicles in the National Airspace System.

#### Subtitle H—Technical and Conforming Amendments

- Sec. 1071. Uniform definition of national security system for certain Department of Defense purposes.
- Sec. 1072. Conforming amendment relating to redesignation of Defense Communications Agency as Defense Information Systems Agency.
- Sec. 1073. Technical amendment.

#### Subtitle I—Other Matters

- Sec. 1081. National Foreign Language Coordination Council.
- Sec. 1082. Support of successor organizations of the disestablished Interagency Global Positioning System Executive Board.
- Sec. 1083. Quadrennial Defense Review.
- Sec. 1084. Sense of Congress on the commendable actions of the Armed Forces.
- Sec. 1085. Budgeting for ongoing military operations.
- Sec. 1086. Court security improvements.
- Sec. 1087. Sense of the Senate on destruction of chemical weapons.
- Sec. 1088. Improved accountability for competitive contracting in hurricane recovery.
- Sec. 1089. Protection of certain disclosures of information by Federal employees.
- Sec. 1090. Sense of Congress regarding the men and women of the Armed Forces of the United States in Iraq.
- Sec. 1091. Extension of returning worker exemption.

- Sec. 1092. Limitation on the United States share of assessments for United Nations peacekeeping operations.
- Sec. 1093. Termination of program.
- Sec. 1094. Patent term extensions for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.
- Sec. 1095. Availability of funds for South County Commuter Rail Project, Providence, Rhode Island.
- Sec. 1096. Sense of Congress on Iraq summit.

#### TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

- Sec. 1101. Accrual of annual leave for members of the uniformed services on terminal leave performing dual employment.
- Sec. 1102. Strategy for improving the senior management, functional, and technical workforce of the Department of Defense.
- Sec. 1103. Authority to equalize allowances, benefits, and gratuities of personnel on official duty in Iraq and Afghanistan.
- Sec. 1104. Programs for use of leave by caregivers for family members of individuals performing certain military service.
- Sec. 1105. Three-year extension of authority for experimental personnel management program for scientific and technical personnel.

#### TITLE XII—MATTERS RELATING TO OTHER NATIONS

##### Subtitle A—General Matters

- Sec. 1201. Expansion of humanitarian and civic assistance to include communications and information capacity.
- Sec. 1202. Modification of authorities relating to the Regional Defense Counterterrorism Fellowship Program.
- Sec. 1203. Logistic support of allied forces for combined operations.
- Sec. 1204. Exclusion of petroleum, oil, and lubricants from limitations on amount of liabilities the United States may accrue under acquisition and cross-servicing agreements.
- Sec. 1205. Temporary authority to use acquisition and cross-servicing agreements to loan significant military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability.
- Sec. 1206. Modification of authorities relating to the building of the capacity of foreign military forces.
- Sec. 1207. Participation of the Department of Defense in multinational military centers of excellence.
- Sec. 1208. Distribution of education and training materials and information technology to enhance interoperability.
- Sec. 1209. United States' policy on the nuclear programs of Iran.
- Sec. 1210. Modification of limitations on assistance under the American Servicemembers' Protection Act of 2002.
- Sec. 1211. Sense of the Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces.
- Sec. 1212. Sense of Congress on the granting of amnesty to persons known to have killed members of the Armed Forces in Iraq.
- Sec. 1213. Annual reports on United States contributions to the United Nations.

- Sec. 1214. North Korea.
- Sec. 1215. Comprehensive strategy for Somalia.
- Sec. 1216. Intelligence on Iran.
- Sec. 1217. Reports on implementation of the Darfur Peace Agreement.

#### Subtitle B—Report Matters

- Sec. 1221. Report on increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.
- Sec. 1222. Report on interagency operating procedures for stabilization and reconstruction operations.
- Sec. 1223. Repeal of certain report requirements.
- Sec. 1224. Reports on the Darfur Peace Agreement.

### TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Extension of temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.
- Sec. 1304. Removal of certain restrictions on provision of cooperative threat reduction assistance.

### TITLE XIV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

- Sec. 1401. Purpose.
- Sec. 1402. Army procurement.
- Sec. 1403. Marine Corps procurement.
- Sec. 1404. Air Force procurement.
- Sec. 1405. Operation and maintenance.
- Sec. 1406. Defense Health Program.
- Sec. 1407. Military personnel.
- Sec. 1408. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1409. Classified programs.
- Sec. 1410. Iraq Freedom Fund.
- Sec. 1411. Treatment as additional authorizations.
- Sec. 1412. Transfer authority.
- Sec. 1413. Availability of funds.
- Sec. 1414. Amount for procurement of hemostatic agents for use in the field.
- Sec. 1415. Our Military Kids youth support program.
- Sec. 1416. Joint Advertising, Market Research and Studies program.
- Sec. 1417. Report.
- Sec. 1418. Submittal to Congress of Department of Defense supplemental and cost of war execution reports.
- Sec. 1419. Limitation on availability of funds for certain purposes relating to Iraq.

### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

### TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.

- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

#### TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2006 projects.

#### TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2006 project.

#### TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2006 projects.

#### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

#### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

#### TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2004 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 2003 projects.
- Sec. 2704. Effective date.

#### TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing  
Changes

- Sec. 2801. Three-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2802. Authority to carry out military construction projects in connection with industrial facility investment program.
- Sec. 2803. Modification of notification requirements related to cost variation authority.
- Sec. 2804. Consideration of local comparability of floor areas in construction, acquisition, and improvement of military unaccompanied housing.
- Sec. 2805. Increase in thresholds for unspecified minor military construction projects.
- Sec. 2806. Inclusion of military transportation and support systems in energy savings program.
- Sec. 2807. Repeal of authority to convey property at closed or realigned military installations to support military construction.
- Sec. 2808. Repeal of requirement to determine availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
- Sec. 2809. Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea.
- Sec. 2810. Pilot projects for acquisition or construction of military unaccompanied housing.
- Sec. 2811. Certification required for certain military construction projects.
- Sec. 2812. Modification of land acquisition authority, Perquimans County, North Carolina.
- Sec. 2813. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of Sherwood L. Boehlert, a member of the House of Representatives.
- Sec. 2814. Naming of administration building at Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives.
- Sec. 2815. Naming of military family housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives.
- Sec. 2816. Authority to occupy United States Southern Command family housing.

#### Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Consolidation of easement provisions.
- Sec. 2822. Authority to grant restrictive easements for conservation and environmental restoration purposes.
- Sec. 2823. Consolidation of provisions relating to transfers of real property within the Department of Defense and to other Federal agencies.
- Sec. 2824. Authority to use excess property as exchange under agreements to limit encroachments on military training, testing, and operations.
- Sec. 2825. Modification of utility system authority and related reporting requirements.
- Sec. 2826. Increase in authorized maximum lease term for certain structures and real property relating to structures in foreign countries.
- Sec. 2827. Modification of land transfer authority, Potomac Annex, District of Columbia.

- Sec. 2828. Reports on Army training ranges.
- Sec. 2829. Use of renewable energy to meet electricity needs.
- Sec. 2830. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a Member of the House of Representatives.

#### Subtitle C—Base Closure and Realignment

- Sec. 2831. Defense economic adjustment program: research and technical assistance.
- Sec. 2832. Extension of eligibility for community planning assistance related to certain military facilities not under Department of Defense jurisdiction.
- Sec. 2833. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.
- Sec. 2834. Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment.

#### Subtitle D—Land Conveyances

- Sec. 2841. Land conveyance, Radford Army Ammunition Plant, Virginia.
- Sec. 2842. Modifications to land conveyance authority, Engineering Proving Ground, Fort Belvoir, Virginia.
- Sec. 2843. Land conveyances, Omaha, Nebraska.

#### Subtitle E—Other Matters

- Sec. 2851. Rickenbacker Airport, Columbus, Ohio.
- Sec. 2852. Highway projects, Detroit, Michigan.
- Sec. 2853. Fox Point Hurricane Barrier, Providence, Rhode Island.
- Sec. 2854. Land conveyance, Hopkinton, New Hampshire.
- Sec. 2855. Federal funding for fixed guideway projects.

### DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

#### TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

##### Subtitle A—National Security Programs

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.

##### Subtitle B—Other Matters

- Sec. 3111. Notice and wait requirement applicable to certain third party financing arrangements.
- Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.
- Sec. 3113. Utilization of international contributions to the Second Line of Defense Core Program.
- Sec. 3114. Extension of Facilities and Infrastructure Recapitalization Program.
- Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.



- Sec. 3116. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.
- Sec. 3117. Limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3118. Limitation on availability of funds for implementation of the Russian Surplus Fissile Materials Disposition Program.
- Sec. 3119. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.
- Sec. 3120. Technical correction related to authorization of appropriations for fiscal year 2006.
- Sec. 3121. Education of future nuclear engineers.

#### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

#### TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

#### TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

### 1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-  
 3 fense committees” has the meaning given that term in sec-  
 4 tion 101(a)(16) of title 10, United States Code.

## 5 **DIVISION A—DEPARTMENT OF** 6 **DEFENSE AUTHORIZATIONS**

### 7 **TITLE I—PROCUREMENT**

#### 8 **Subtitle A—Authorization of** 9 **Appropriations**

### 10 **SEC. 101. ARMY.**

11 Funds are hereby authorized to be appropriated for  
 12 fiscal year 2007 for procurement for the Army as follows:

13 (1) For aircraft, \$3,457,329,000.

14 (2) For missiles, \$1,428,859,000.

1           (3) For weapons and tracked combat vehicles,  
2       \$2,849,743,000.

3           (4) For ammunition, \$2,036,785,000.

4           (5) For other procurement, \$7,729,602,000.

5   **SEC. 102. NAVY AND MARINE CORPS.**

6       (a) NAVY.—Funds are hereby authorized to be appro-  
7   priated for fiscal year 2007 for procurement for the Navy  
8   as follows:

9           (1) For aircraft, \$10,704,155,000.

10          (2) For weapons, including missiles and tor-  
11   pedoes, \$2,587,020,000.

12          (3) For shipbuilding and conversion,  
13   \$12,058,553,000.

14          (4) For other procurement, \$5,045,516,000.

15       (b) MARINE CORPS.—Funds are hereby authorized to  
16   be appropriated for fiscal year 2007 for procurement for  
17   the Marine Corps in the amount of \$1,300,213,000.

18       (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
19   are hereby authorized to be appropriated for fiscal year  
20   2007 for procurement of ammunition for the Navy and  
21   the Marine Corps in the amount of \$809,943,000.

22   **SEC. 103. AIR FORCE.**

23       Funds are hereby authorized to be appropriated for  
24   fiscal year 2007 for procurement for the Air Force as fol-  
25   lows:

1 (1) For aircraft, \$12,004,096,000.

2 (2) For missiles, \$4,224,145,000.

3 (3) For ammunition, \$1,076,749,000.

4 (4) For other procurement, \$15,434,586,000.

5 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2007 for Defense-wide procurement in the  
8 amount of \$2,980,498,000.

9 **Subtitle B—Army Programs**

10 **SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
11 **THE JOINT NETWORK NODE.**

12 (a) LIMITATION.—Of the amount authorized to be  
13 appropriated by section 101(5) for other procurement for  
14 the Army and available for purposes of the procurement  
15 of the Joint Network Node, not more than 50 percent of  
16 such amount may be available for such purposes until the  
17 Secretary of the Army submits to the congressional de-  
18 fense committees a report on the strategy of the Army  
19 for the convergence of the Joint Network Node, the  
20 Warfighter Information Network—Tactical, and the  
21 Mounted Battle Command On-the-Move communications  
22 programs.

23 (b) ELEMENTS.—The report described in subsection  
24 (a) shall include a description of the acquisition plan re-  
25 quired for the convergence described in that subsection,

1 including the implementation plan, schedule, and funding  
 2 of such acquisition plan.

3 (c) DEADLINE.—The report described in subsection  
 4 (a) shall be submitted under that subsection, if at all, not  
 5 later than March 15, 2007.

6 **SEC. 112. COMPTROLLER GENERAL REPORT ON THE CON-**  
 7 **TRACT FOR THE FUTURE COMBAT SYSTEMS**  
 8 **PROGRAM.**

9 (a) REPORT REQUIRED.—Not later than March 15,  
 10 2007, the Comptroller General of the United States shall  
 11 submit to the congressional defense committees a report  
 12 on the participation and activities of the lead systems inte-  
 13 grator in the Future Combat Systems (FCS) program  
 14 under the contract of the Army for the Future Combat  
 15 Systems.

16 (b) ELEMENTS.—The report required by subsection  
 17 (a) shall include the following:

18 (1) A description of the responsibilities of the  
 19 lead systems integrator in managing the Future  
 20 Combat Systems program under the contract for the  
 21 Future Combat Systems, and an assessment of the  
 22 manner in which such responsibilities differ from the  
 23 typical responsibilities of a lead systems integrator  
 24 under acquisition contracts of the Department of  
 25 Defense.

1           (2) A description and assessment of the respon-  
 2           sibilities of the Army in managing the Future Com-  
 3           bat Systems program, including oversight of the ac-  
 4           tivities of the lead systems integrator and the deci-  
 5           sions made by the lead systems integrator.

6           (3) An assessment of the manner in which the  
 7           Army—

8                   (A) ensures that the lead systems inte-  
 9                   grator meets goals for the Future Combat Sys-  
 10                  tems in a timely manner; and

11                  (B) evaluates the extent to which such  
 12                  goals are met.

13           (4) An identification of the mechanisms in place  
 14           to ensure the protection of the interests of the  
 15           United States in the Future Combat Systems pro-  
 16           gram.

17           (5) An identification of the mechanisms in place  
 18           to mitigate organizational conflicts of interests with  
 19           respect to competition on Future Combat Systems  
 20           technologies and equipment under subcontracts  
 21           under the Future Combat Systems program.

22 **SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.**

23           (a) REPORT BY SECRETARY OF THE ARMY.—

24                   (1) REPORT REQUIRED.—Not later than March  
 25           15, 2007, the Secretary of the Army shall submit to

1 the congressional defense committees a report on the  
2 modularity initiative of the Army.

3 (2) ELEMENTS.—The report required by this  
4 subsection shall include the following:

5 (A) A description of the manner in which  
6 the Army distinguishes costs under the  
7 modularity initiative from costs of moderniza-  
8 tion and reset.

9 (B) An identification, by line item, of the  
10 amount of funds expended to date on the  
11 modularity initiative.

12 (C) An identification, by line item, of the  
13 amount of funds the Army has budgeted and  
14 programmed to date on the modularity initia-  
15 tive.

16 (D) A detailed description on how  
17 modularity equipment will be allocated to the  
18 regular components and reserve components of  
19 the Armed Forces by 2011, and a description of  
20 any anticipated shortfalls in such allocation.

21 (E) A plan for further testing and evalua-  
22 tion of modular designs, and a summary of any  
23 lessons learned to date from modular brigades  
24 that have been established, deployed to Iraq, or  
25 both.

1 (b) ANNUAL COMPTROLLER GENERAL REPORTS.—

2 (1) REPORTS REQUIRED.—The Comptroller  
3 General of the United States shall submit to the  
4 congressional defense committees each year, not  
5 later than 45 days after the date on which the budg-  
6 et of the President is submitted to Congress for a  
7 fiscal year under section 1105 of title 31, United  
8 States Code, a report on the assessment of the  
9 Comptroller General on the following:

10 (A) The progress of the Army in equipping  
11 and manning modular units in the regular com-  
12 ponents and reserve components of the Armed  
13 Forces.

14 (B) The use of funds by the Army for the  
15 modularity initiative.

16 (C) The progress of the Army in con-  
17 ducting further testing and evaluations of de-  
18 signs under the modularity initiative.

19 (2) FIRST REPORT.—The first report required  
20 under this subsection shall be submitted in conjunc-  
21 tion with the budget for fiscal year 2008.

22 **SEC. 114. REPLACEMENT EQUIPMENT.**

23 (a) PRIORITY.—Priority for the distribution of new  
24 and combat serviceable equipment, with associated sup-  
25 port and test equipment for acting and reserve component

1 forces, shall be given to units scheduled for mission de-  
 2 ployment, employment first, or both regardless of compo-  
 3 nent.

4 (b) ALLOCATION.—In the amounts authorized to be  
 5 appropriated by section 101(5) for the procurement of re-  
 6 placement equipment, subject to subsection (a), priority  
 7 for the distribution of Army National Guard equipment  
 8 described in subsection (a) may be given to States that  
 9 have experienced a major disaster, as determined under  
 10 the Robert T. Stafford Disaster Relief and Emergency As-  
 11 sistance Act (42 U.S.C. 5121–5206), and may require re-  
 12 placement equipment to respond to future emergencies/  
 13 disasters only after distribution of new and combat serv-  
 14 iceable equipment has been made in accordance with sub-  
 15 section (a).

## 16 **Subtitle C—Navy Programs**

### 17 **SEC. 121. CVN-21 CLASS AIRCRAFT CARRIER PROCURE-** 18 **MENT.**

19 (a) AVAILABILITY OF FUNDS FOR CVN-21 CLASS  
 20 AIRCRAFT CARRIERS.—Amounts authorized to be appro-  
 21 priated to Shipbuilding and Conversion, Navy, for pur-  
 22 poses of the construction of CVN-21 class aircraft carriers  
 23 shall be available in the fiscal year for which authorized  
 24 to be appropriated and the succeeding three fiscal years.



1 (b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR  
2 FISCAL YEAR 2007.—Of the amount authorized to be ap-  
3 propriated by section 102(a)(3) for fiscal year 2007 for  
4 Shipbuilding and Conversion, Navy, \$834,100,000 shall be  
5 available for advance procurement with respect to the  
6 CVN-21 class aircraft carriers designated CVN-78,  
7 CVN-79, and CVN-80.

8 (c) CONTRACT AUTHORITY.—

9 (1) ADVANCE PROCUREMENT.—The Secretary  
10 of the Navy may enter into a contract during fiscal  
11 year 2007 for advance procurement with respect to  
12 the CVN-21 class aircraft carriers designated CVN-  
13 79 and CVN-80.

14 (2) CONSTRUCTION.—In the fiscal year imme-  
15 diately following the last fiscal year of the contract  
16 for advance procurement for a CVN-21 class air-  
17 craft carrier referred to in paragraph (1), the Sec-  
18 retary may enter into a contract for the construction  
19 of such aircraft carrier to be funded in the fiscal  
20 year of such contract for construction and the suc-  
21 ceeding three fiscal years.

22 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-  
23 MENTS.—A contract entered into under subsection (b)  
24 shall provide that any obligation of the United States to  
25 make a payment under the contract for any subsequent

1 fiscal year is subject to the availability of appropriations  
 2 for that purpose for such subsequent fiscal year.

3 **SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER**  
 4 **THE NEXT-GENERATION DESTROYER PRO-**  
 5 **GRAM.**

6 (a) AVAILABILITY OF FUNDS.—Of the amount au-  
 7 thorized to be appropriated by section 102(a)(3) for fiscal  
 8 year 2007 for Shipbuilding and Conversion, Navy,  
 9 \$2,568,000,000 may be available for the construction of  
 10 the first two vessels under the next-generation destroyer  
 11 program.

12 (b) CONTRACT AUTHORITY.—

13 (1) IN GENERAL.—The Secretary of the Navy  
 14 may in accordance with section 2306b of title 10,  
 15 United States Code, enter into a multiyear contract  
 16 beginning with the fiscal year 2007 program year  
 17 for procurement of each of the first two vessels  
 18 under the next-generation destroyer program.

19 (2) LIMITATION.—Not more than one contract  
 20 described in paragraph (1) may be awarded under  
 21 that paragraph to a single surface-combatant ship-  
 22 yard.

23 (3) DURATION ON PROCUREMENT.—Each con-  
 24 tract under paragraph (1) shall contemplate funding

1 for the procurement of a vessel under such contract  
 2 in fiscal years 2007 and 2008.

3 (4) CONDITION ON OUT-YEAR CONTRACT PAY-  
 4 MENTS.—A contract entered into under paragraph  
 5 (1) shall provide that any obligation of the United  
 6 States to make a payment under such contract for  
 7 any fiscal year after fiscal year 2007 is subject to  
 8 the availability of appropriations for that purpose  
 9 for such fiscal year.

10 **SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST**  
 11 **OF PROCUREMENT OF CVN-77 AIRCRAFT**  
 12 **CARRIER.**

13 Section 122(f)(1) of the National Defense Authoriza-  
 14 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
 15 Stat. 1650) is amended by striking “\$4,600,000,000 (such  
 16 amount being the estimated cost for the procurement of  
 17 the CVN-77 aircraft carrier in the March 1997 procure-  
 18 ment plan)” and inserting “\$6,057,000,000”.

19 **Subtitle D—Air Force Programs**

20 **SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT**  
 21 **TRAINING SYSTEM AIRCRAFT AFTER FISCAL**  
 22 **YEAR 2006.**

23 Any Joint Primary Aircraft Training System  
 24 (JPATS) aircraft procured after fiscal year 2006 shall be  
 25 procured through a contract under part 15 of the Federal

1 Acquisition Regulation (FAR), relating to acquisition of  
 2 items by negotiated contract (48 C.F.R. 15.000 et seq.),  
 3 rather than through a contract under part 12 of the Fed-  
 4 eral Acquisition Regulation, relating to acquisition of com-  
 5 mercial items (48 C.F.R. 12.000 et seq.).

6 **SEC. 142. PROHIBITION ON RETIREMENT OF C-130E/H TAC-**  
 7 **TICAL AIRLIFT AIRCRAFT.**

8 The Secretary of the Air Force shall not retire any  
 9 C-130E/H tactical airlift aircraft of the Air Force in fiscal  
 10 year 2007.

11 **SEC. 143. LIMITATION ON RETIREMENT OF KC-135E AIR-**  
 12 **CRAFT.**

13 The Secretary of the Air Force shall ensure that the  
 14 number, if any, of KC-135E aircraft of the Air Force that  
 15 is retired in fiscal year 2007 does not exceed 29 such air-  
 16 craft.

17 **SEC. 144. LIMITATION ON RETIREMENT OF B-52H BOMBER**  
 18 **AIRCRAFT.**

19 The Secretary of the Air Force shall ensure that the  
 20 number, if any, of B-52H bomber aircraft of the Air  
 21 Force that is retired in fiscal year 2007 does not exceed  
 22 18 such aircraft.

23 **SEC. 145. RETIREMENT OF B-52H BOMBER AIRCRAFT.**

24 (a) LIMITATION ON RETIREMENT PENDING REPORT  
 25 ON BOMBER FORCE STRUCTURE.—No funds authorized

1 to be appropriated for the Department of Defense may  
 2 be obligated or expended for retiring or dismantling any  
 3 of the 93 B-52H bomber aircraft in service in the Air  
 4 Force as of June 1, 2006, until 30 days after the Sec-  
 5 retary of the Air Force transmits to the Committees on  
 6 Armed Services of the Senate and the House of Represent-  
 7 atives a report on the bomber force structure of the Air  
 8 Force meeting the requirements of subsection (b).

9 (b) ELEMENTS.—

10 (1) IN GENERAL.—A report under subsection

11 (a) shall set forth the following:

12 (A) The plan of the Air Force for the mod-  
 13 ernization of the B-52H bomber aircraft fleet.

14 (B) The plans of the Air Force for the  
 15 modernization of the balance of the bomber  
 16 force structure.

17 (C) The amount and type of bombers in  
 18 the bomber force structure that is appropriate  
 19 to meet the requirements of the national secu-  
 20 rity strategy of the United States.

21 (D) A justification of the cost and pro-  
 22 jected savings of any reductions to the B-52H  
 23 bomber aircraft fleet as a result of the retire-  
 24 ment or dismantlement of the B-52H bomber  
 25 aircraft covered by the report.

1           (E) The life expectancy of each bomber  
2           aircraft to remain in the bomber force struc-  
3           ture.

4           (F) The date by which any new bomber  
5           aircraft must reach initial operational capability  
6           and the capabilities of the bomber force struc-  
7           ture that would be replaced or superseded by  
8           any new bomber aircraft.

9           (2) AMOUNT AND TYPE OF BOMBER FORCE  
10          STRUCTURE DEFINED.—In this subsection, the term  
11          “amount and type of bomber force structure” means  
12          the number of B-2 bomber aircraft, B-52H bomber  
13          aircraft, and B-1 bomber aircraft that are required  
14          to carry out the national security strategy of the  
15          United States.

16          (c) PREPARATION OF REPORT.—A report under this  
17          section shall be prepared and submitted by the Institute  
18          of Defense Analysis to the Secretary of the Air Force for  
19          transmittal by the Secretary in accordance with subsection  
20          (a).

21       **SEC. 146. FUNDING FOR PROCUREMENT OF F-22A FIGHTER**  
22       **AIRCRAFT.**

23          (a) PROHIBITION ON USE OF INCREMENTAL FUND-  
24          ING.—The Secretary of the Air Force shall not use incre-

1 mental funding for the procurement of F-22A fighter air-  
2 craft.

3 (b) **MULTIYEAR PROCUREMENT.**—The Secretary of  
4 the Air Force may, in accordance with section 2306b of  
5 title 10, United States Code, enter into a multiyear con-  
6 tract beginning with the fiscal year 2007 program year  
7 for procurement of not more than 60 F-22A fighter air-  
8 craft.

9 **SEC. 147. MULTIYEAR PROCUREMENT OF F-119 ENGINES**  
10 **FOR F-22A FIGHTER AIRCRAFT.**

11 The Secretary of the Air Force may, in accordance  
12 with section 2306b of title 10, United States Code, enter  
13 into a multiyear contract beginning with the fiscal year  
14 2007 program year for procurement of the following:

15 (1) Not more than 120 F-119 engines for F-  
16 22A fighter aircraft.

17 (2) Not more than 13 spare F-119 engines for  
18 F-22A fighter aircraft.

19 **SEC. 148. MULTI-SPECTRAL IMAGING CAPABILITIES.**

20 (a) **FINDINGS.**—The Senate makes the following  
21 findings:

22 (1) The budget of the President for fiscal year  
23 2007, as submitted to Congress under section  
24 1105(a) of title 31, United States Code, and the  
25 current Future-Years Defense Program adopts an

1       Air Force plan to retire the remaining fleet of U-  
2       2 aircraft by 2011.

3           (2) This retirement would eliminate the multi-  
4       spectral capability provided by the electro-optical/in-  
5       frared (EO/IR) Senior Year Electro-optical Recon-  
6       naissance System (SYERS-2) high-altitude imaging  
7       system.

8           (3) The system referred to in paragraph (2)  
9       provides high-resolution, long-range, day-and-night  
10      image intelligence.

11          (4) The infrared capabilities of the system re-  
12      ferred to in paragraph (2) can defeat enemy efforts  
13      to use camouflage or concealment, as well as provide  
14      images through poor visibility and smoke.

15          (5) Although the Air Force has previously rec-  
16      ognized the military value of Senior Year Electro-op-  
17      tical Reconnaissance System sensors, the Air Force  
18      has no plans to migrate this capability to any plat-  
19      form remaining in the fleet.

20          (6) The Air Force could integrate such capabili-  
21      ties onto the Global Hawk platform to retain this ca-  
22      pability for combatant commanders.

23          (7) The Nation risks a loss of an important in-  
24      telligence gathering capability if this capability is not  
25      transferred to another platform.



1 (b) SENSE OF SENATE.—It is the sense of the Senate  
 2 that the Air Force should investigate ways to retain the  
 3 multi-spectral imaging capabilities provided by the Senior  
 4 Year Electro-optical Reconnaissance System high-altitude  
 5 imaging system after the retirement of the U-2 aircraft  
 6 fleet.

7 (c) REPORT REQUIREMENT.—The Secretary of the  
 8 Air Force shall submit to the congressional defense com-  
 9 mittees, at the same time the budget of the President for  
 10 fiscal year 2008 is submitted to Congress under section  
 11 1105(a) of title 31, United States Code, a plan for migrat-  
 12 ing the capabilities provided by the Senior Year Electro-  
 13 optical Reconnaissance System high-altitude imaging sys-  
 14 tem from the U-2 aircraft to the Global Hawk platform  
 15 before the retirement of the U-2 aircraft fleet in 2011.

16 **SEC. 149. MINUTEMAN III INTERCONTINENTAL BALLISTIC**  
 17 **MISSILES.**

18 (a) FINDINGS.—Congress makes the following find-  
 19 ings:

20 (1) In the Joint Explanatory Statement of the  
 21 Committee of Conference on H.R. 1815, the Na-  
 22 tional Defense Authorization Act for Fiscal Year  
 23 2006, the conferees state that the policy of the  
 24 United States “is to deploy a force of 500 ICBMs”.  
 25 The conferees further note “that unanticipated stra-

1        tegic developments may compel the United States to  
2        make changes to this force structure in the future.”.

3            (2) The Quadrennial Defense Review (QDR)  
4        conducted under section 118 of title 10, United  
5        States Code, in 2005 finds that maintaining a ro-  
6        bust nuclear deterrent “remains a keystone of  
7        United States national power”. However, notwith-  
8        standing that finding and without providing any spe-  
9        cific justification for the recommendation, the Quad-  
10       rennial Defense Review recommends reducing the  
11       number of deployed Minuteman III Intercontinental  
12       Ballistic Missiles (ICBMs) from 500 to 450 begin-  
13       ning in fiscal year 2007. The Quadrennial Defense  
14       Review also fails to identify what unanticipated stra-  
15       tegic developments compelled the United States to  
16       reduce the Intercontinental Ballistic Missile force  
17       structure.

18            (3) The commander of the Strategic Command,  
19        General James Cartwright, testified before the Com-  
20        mittee on Armed Services of the Senate that the re-  
21        duction in deployment of Minuteman III Interconti-  
22       nental Ballistic Missiles is required so that the 50  
23       missiles withdrawn from the deployed force could be  
24       used for test assets and spares to extend the life of  
25       the Minuteman III Intercontinental Ballistic Missile

1 well into the future. If spares are not modernized,  
2 the Air Force may not have sufficient replacement  
3 missiles to sustain the force size.

4 (b) MODERNIZATION OF INTERCONTINENTAL BAL-  
5 LISTIC MISSILES REQUIRED.—The Air Force shall mod-  
6 ernize Minuteman III Intercontinental Ballistic Missiles in  
7 the United States inventory as required to maintain a suf-  
8 ficient supply of launch test assets and spares to sustain  
9 the deployed force of such missiles through 2030.

10 (c) LIMITATION ON TERMINATION OF MODERNIZA-  
11 TION PROGRAM PENDING REPORT.—No funds authorized  
12 to be appropriated for the Department of Defense may  
13 be obligated or expended for the termination of any Min-  
14 uteman III ICBM modernization program, or for the with-  
15 drawal of any Minuteman III Intercontinental Ballistic  
16 Missile from the active force, until 30 days after the Sec-  
17 retary of Defense submits to the congressional defense  
18 committees a report setting forth the following:

19 (1) A detailed strategic justification for the pro-  
20 posal to reduce the Minuteman III Intercontinental  
21 Ballistic Missile force from 500 to 450 missiles, in-  
22 cluding an analysis of the effects of the reduction on  
23 the ability of the United States to assure allies and  
24 dissuade potential competitors.

1           (2) A detailed analysis of the strategic ramifica-  
 2           tions of continuing to equip a portion of the Minute-  
 3           man III Intercontinental Ballistic Missile force with  
 4           multiple independent warheads rather than single  
 5           warheads as recommended by past reviews of the  
 6           United States nuclear posture.

7           (3) An assessment of the test assets and spares  
 8           required to maintain a force of 500 deployed Min-  
 9           uteman III Intercontinental Ballistic Missiles  
 10          through 2030.

11          (4) An assessment of the test assets and spares  
 12          required to maintain a force of 450 deployed Min-  
 13          uteman III Intercontinental Ballistic Missiles  
 14          through 2030.

15          (5) An inventory of currently available Minute-  
 16          man III Intercontinental Ballistic Missile test assets  
 17          and spares.

18          (6) A plan to sustain and complete the mod-  
 19          ernization of all deployed and spare Minuteman III  
 20          Intercontinental Ballistic Missiles, a test plan, and  
 21          an analysis of the funding required to carry out  
 22          modernization of all deployed and spare Minuteman  
 23          III Intercontinental Ballistic Missiles.

24          (7) An assessment of whether halting upgrades  
 25          to the Minuteman III Intercontinental Ballistic Mis-

1       siles withdrawn from the deployed force would com-  
 2       promise the ability of those missiles to serve as test  
 3       assets.

4           (8) A description of the plan of the Department  
 5       of Defense for extending the life of the Minuteman  
 6       III Intercontinental Ballistic Missile force beyond  
 7       fiscal year 2030.

8       (d) REMOTE VISUAL ASSESSMENT.—

9           (1) ADDITIONAL AMOUNT FOR RESEARCH, DE-  
 10      VELOPMENT, TEST, AND EVALUATION, AIR FORCE.—  
 11      The amount authorized to be appropriated by sec-  
 12      tion 201(3) for research, development, test, and  
 13      evaluation for the Air Force is hereby increased by  
 14      \$5,000,000.

15          (2) AVAILABILITY OF AMOUNT.—Of the amount  
 16      authorized to be appropriated by section 201(3) for  
 17      research, development, test, and evaluation for the  
 18      Air Force, as increased by paragraph (1),  
 19      \$5,000,000 may be available for ICBM Security  
 20      Modernization (PE #0604851) for Remote Visual  
 21      Assessment for security for silos for intercontinental  
 22      ballistic missiles (ICBMs).

23          (3) OFFSET.—The amount authorized to be ap-  
 24      propriated by section 103(2) for procurement of mis-  
 25      siles for the Air Force is hereby reduced by

1       \$5,000,000, with the amount of the reduction to be  
 2       allocated to amounts available for the Evolved Ex-  
 3       pendable Launch Vehicle.

4       (e) ICBM MODERNIZATION PROGRAM DEFINED.—In  
 5       this section, the term “ICBM Modernization program”  
 6       means each of the following for the Minuteman III Inter-  
 7       continental Ballistic Missile:

8           (1) The Guidance Replacement Program  
 9       (GRP).

10          (2) The Propulsion Replacement Program  
 11       (PRP).

12          (3) The Propulsion System Rocket Engine  
 13       (PSRE) program.

14          (4) The Safety Enhanced Reentry Vehicle  
 15       (SERV) program.

## 16 **TITLE II—RESEARCH, DEVELOP-** 17 **MENT, TEST, AND EVALUA-** 18 **TION**

### 19 **Subtitle A—Authorization of** 20 **Appropriations**

#### 21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22       Funds are hereby authorized to be appropriated for  
 23       fiscal year 2007 for the use of the Department of Defense  
 24       for research, development, test, and evaluation as follows:

25           (1) For the Army, \$11,151,009,000.

1 (2) For the Navy, \$17,451,823,000.

2 (3) For the Air Force, \$24,400,857,000.

3 (4) For Defense-wide activities,  
4 \$21,160,459,000, of which \$181,520,000 is author-  
5 ized for the Director of Operational Test and Eval-  
6 uation.

7 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

8 (a) AMOUNT FOR PROJECTS.—Of the total amount  
9 authorized to be appropriated by section 201,  
10 \$11,468,959,000 shall be available for science and tech-  
11 nology projects.

12 (b) SCIENCE AND TECHNOLOGY DEFINED.—In this  
13 section, the term “science and technology project” means  
14 work funded in program elements for defense research, de-  
15 velopment, test, and evaluation under Department of De-  
16 fense budget activities 1, 2, or 3.

17 **SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION**  
18 **OF WARFIGHTER RAPID AWARENESS PROC-**  
19 **ESSING TECHNOLOGY.**

20 (a) INCREASE IN AMOUNT FOR RESEARCH, DEVEL-  
21 OPMENT, TEST, AND EVALUATION FOR THE NAVY.—The  
22 amount authorized to be appropriated by section 201(2)  
23 for research, development, test, and evaluation for the  
24 Navy is hereby increased by \$4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), \$4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by \$4,000,000, due to unexpended obligations, if available.

## **Subtitle B—Program Requirements, Restrictions, and Limitations**

### **SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FUTURE COMBAT SYSTEMS.**

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by this title and available for the Future Combat Systems (FCS) for purposes of system of systems engineering and program management for the Future Combat Systems, an amount equal to \$500,000,000 of such amount may not be obligated and expended for such purposes until the Secretary of Defense submits to the



1 congressional defense committees the report required by  
2 subsection (b)(4).

3 (b) INDEPENDENT ESTIMATE REQUIRED.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 shall provide for the preparation of an independent  
6 estimate of the anticipated costs of systems develop-  
7 ment and demonstration with respect to the Future  
8 Combat Systems.

9 (2) CONDUCT OF ESTIMATE.—The estimate re-  
10 quired by this subsection shall be prepared by a fed-  
11 erally funded research and development center se-  
12 lected by the Secretary for purposes of this sub-  
13 section.

14 (3) MATTERS TO BE ADDRESSED.—The inde-  
15 pendent estimate prepared under this subsection  
16 shall address costs of research, development, test,  
17 and evaluation, and costs of procurement, for—

18 (A) the system development and dem-  
19 onstration phase of the core Future Combat  
20 Systems;

21 (B) the Future Combat Systems tech-  
22 nologies to be incorporated into the equipment  
23 of the current force of the Army (often referred  
24 to as “spinouts”);

1 (C) the installation kits for the incorpora-  
 2 tion of such technologies into such equipment;

3 (D) the systems treated as complementary  
 4 systems for the Future Combat Systems;

5 (E) science and technology initiatives that  
 6 support the Future Combat Systems program;  
 7 and

8 (F) any pass-through charges anticipated  
 9 to be assessed by the lead systems integrator of  
 10 the Future Combat Systems and its major sub-  
 11 contractors.

12 (4) SUBMITTAL TO CONGRESS.—Upon comple-  
 13 tion of the independent estimate required by this  
 14 subsection, the Secretary shall submit to the con-  
 15 gressional defense committees a report on the esti-  
 16 mate.

17 (5) DEADLINE FOR SUBMITTAL.—The report  
 18 described in paragraph (4) shall be submitted not  
 19 later than the date of the submittal to Congress of  
 20 the budget of the President for fiscal year 2008 (as  
 21 submitted to Congress under section 1105(a) of title  
 22 31, United States Code).

23 (c) PASS-THROUGH CHARGE DEFINED.—In this sec-  
 24 tion, the term “pass-through charge” has the meaning  
 25 given that term in section 805(c)(5) of the National De-

1 fense Authorization Act for Fiscal Year 2006 (Public Law  
2 109–163; 119 Stat. 3373).

3 **SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECH-**  
4 **NOLOGY PROGRAMS.**

5 (a) EXTENSION OF FUNDING OBJECTIVE.—Sub-  
6 section (b) of section 212 of the National Defense Author-  
7 ization Act for Fiscal Year 2000 (10 U.S.C. 2501 note)  
8 is amended by striking “through 2009” and inserting  
9 “through 2012”.

10 (b) ACTIONS FOLLOWING FAILURE TO COMPLY  
11 WITH OBJECTIVE.—Such section is further amended by  
12 adding at the end the following new subsection:

13 “(c) ACTIONS FOLLOWING FAILURE TO COMPLY  
14 WITH OBJECTIVE.—(1) If the proposed budget for a fiscal  
15 year covered by subsection (b) fails to comply with the  
16 objective set forth in that subsection, the Secretary of De-  
17 fense shall submit to the congressional defense  
18 committees—

19 “(A) a detailed, prioritized list, including esti-  
20 mates of required funding, of highly-rated, peer-re-  
21 viewed science and technology projects received by  
22 the Department through competitive solicitations  
23 and broad agency announcements which—

24 “(i) are not funded solely due to lack of re-  
25 sources, but

1           “(ii) represent science and technology op-  
 2           portunities that support the research and devel-  
 3           opment programs and goals of the military de-  
 4           partments and the Defense Agencies; and

5           “(B) a report, in both classified and unclassi-  
 6           fied form, containing an analysis and evaluation of  
 7           international research and technology capabilities,  
 8           including an identification of any technology areas in  
 9           which the United States will not have global tech-  
 10          nical leadership within the next five years, in each  
 11          of the technology areas described in the following  
 12          plans:

13               “(i) The most current Joint Warfighting  
 14               Science and Technology Plan required by sec-  
 15               tion 270 of the National Defense Authorization  
 16               Act for Fiscal Year 1997 (10 U.S.C. 2501  
 17               note).

18               “(ii) The Defense Technology Area Plan of  
 19               the Department of Defense.

20               “(iii) The Basic Research Plan of the De-  
 21               partment of Defense.

22          “(2)(A) The list required by paragraph (1)(A) for a  
 23          fiscal year in which the budget for such fiscal year fails  
 24          to comply with the objective in subsection (b) shall be sub-  
 25          mitted together with the Department of Defense budget

1 justification materials submitted to Congress under sec-  
2 tion 1105 of title 31, United States Code, with the budget  
3 for the next fiscal year.

4 “(B) The report required by paragraph (1)(B) for a  
5 fiscal year in which the budget for such fiscal year fails  
6 to comply with the objective in subsection (b) shall be sub-  
7 mitted not later than the six months after the submittal  
8 of the Department of Defense budget justification mate-  
9 rials that are submitted to Congress under section 1105  
10 of title 31, United States Code, with the budget for the  
11 next fiscal year.”.

12 **SEC. 213. HYPERSONICS DEVELOPMENT.**

13 (a) ESTABLISHMENT OF JOINT TECHNOLOGY OF-  
14 FICE ON HYPERSONICS.—The Secretary of Defense shall  
15 establish within the Office of the Secretary of Defense a  
16 joint technology office on hypersonics. The office shall  
17 carry out the program required under subsection (b), and  
18 shall have such other responsibilities relating to  
19 hypersonics as the Secretary shall specify.

20 (b) PROGRAM ON HYPERSONICS.—The joint tech-  
21 nology office established under subsection (a) shall carry  
22 out a program for the development of hypersonics for de-  
23 fense purposes.

1       (c) RESPONSIBILITIES.—In carrying out the program  
 2 required by subsection (b), the joint technology office es-  
 3 tablished under subsection (a) shall do the following:

4           (1) Coordinate and integrate the research, de-  
 5 velopment, test, and evaluation programs and sys-  
 6 tem demonstration programs of the Department of  
 7 Defense on hypersonics.

8           (2) Undertake appropriate actions to ensure—

9               (A) close and continuous integration of the  
 10 programs on hypersonics of the military depart-  
 11 ments with the programs on hypersonics of the  
 12 Defense Agencies; and

13               (B) coordination of the programs referred  
 14 to in subparagraph (A) with the programs on  
 15 hypersonics of the National Aeronautics and  
 16 Space Administration.

17           (3) Approve demonstration programs on  
 18 hypersonic systems.

19           (4) Ensure that any demonstration program on  
 20 hypersonic systems that is carried out in any year  
 21 after its approval under paragraph (3) is carried out  
 22 only if certified under subsection (e) as being con-  
 23 sistent with the roadmap under subsection (d).

24       (d) ROADMAP.—

1           (1) ROADMAP REQUIRED.—The joint technology  
2       office established under subsection (a) shall, in co-  
3       ordination with the Joint Staff and the National  
4       Aeronautics and Space Administration, develop a  
5       roadmap for the hypersonics programs of the De-  
6       partment of Defense.

7           (2) ELEMENTS.—The roadmap shall include  
8       the following matters:

9           (A) Short-term, mid-term, and long-term  
10       goals for the Department of Defense on  
11       hypersonics which shall be consistent with the  
12       missions and anticipated requirements of the  
13       Department over the applicable period.

14          (B) Acquisition transition plans for  
15       hypersonics.

16          (C) Anticipated mission requirements for  
17       hypersonics.

18          (D) A schedule for meeting such goals, in-  
19       cluding the activities and funding anticipated to  
20       be required for meeting such goals.

21       (3) SUBMITTAL TO CONGRESS.—The Secretary  
22       shall submit the roadmap to the congressional de-  
23       fense committees at the same time as the submittal  
24       to Congress of the budget for fiscal year 2008 (as

1 submitted pursuant to section 1105 of title 31,  
 2 United States Code).

3 (e) ANNUAL REVIEW AND CERTIFICATION OF FUND-  
 4 ING.—

5 (1) ANNUAL REVIEW.—The joint technology of-  
 6 fice established under subsection (a) shall conduct  
 7 on an annual basis a review of the funding available  
 8 for research, development, test, and evaluation and  
 9 demonstration programs of the Department of De-  
 10 fense on hypersonics in order to determine whether  
 11 or not such funding and programs are consistent  
 12 with the roadmap developed under subsection (d).

13 (2) CERTIFICATION.—The joint technology of-  
 14 fice shall, as a result of each review under para-  
 15 graph (1), certify to the Secretary whether or not  
 16 the funding and programs subject to such review are  
 17 consistent with the roadmap developed under sub-  
 18 section (d).

19 (3) TERMINATION.—The requirements of this  
 20 subsection shall terminate after the submittal to  
 21 Congress of the budget for fiscal year 2012 pursu-  
 22 ant to section 1105 of title 31, United States Code.

23 (f) REPORTS TO CONGRESS.—If, as a result of a re-  
 24 view under subsection (e), funding or a program on  
 25 hypersonics is certified under that subsection not to be



1 consistent with the roadmap developed under subsection  
 2 (d), the Secretary shall submit to Congress a report on  
 3 such funding or program, as the case may be, together  
 4 with a statement of the actions to be taken to make such  
 5 funding or program, as the case may be, consistent with  
 6 the roadmap.

7 (g) **HYPERSONICS DEFINED.**—In this section, the  
 8 term “hypersonics” means aircraft and missiles capable  
 9 of travelling at speeds in excess of Mach 5.

10 **SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.**

11 (a) **LIMITATION ON AVAILABILITY OF FUNDS.**—

12 (1) **IN GENERAL.**—Except as provided in para-  
 13 graph (2), none of the funds authorized to be appro-  
 14 priated by this Act for the Conventional Trident  
 15 Modification (CTM) program may be obligated or  
 16 expended for the development or modification of the  
 17 Trident D–5 sea-launched ballistic missile until 30  
 18 days after the date on which the report required by  
 19 subsection (b) is submitted to the congressional de-  
 20 fense committees.

21 (2) **EXCEPTION.**—Paragraph (1) shall not  
 22 apply with respect to amounts authorized to be ap-  
 23 propriated by section 201(2) for research, develop-  
 24 ment, test, and evaluation, Navy, and available for

1       Advanced   Conventional   Strike   Capability   (PE  
2       #64327N) in an amount not to exceed \$32,000,000.

3       (b) REPORT.—

4           (1) REPORT REQUIRED.—The Secretary of De-  
5       fense shall, in consultation with the Secretary of  
6       State, submit to the congressional defense commit-  
7       tees a report setting forth a proposal to replace nu-  
8       clear warheads on twenty-four Trident D-5 sea-  
9       launched ballistic missiles with conventional kinetic  
10      warheads for deployment on submarines that carry  
11      Trident sea-launched ballistic missiles.

12          (2) ELEMENTS.—The report required by para-  
13      graph (1) shall include the following:

14           (A) A description of the types of scenarios,  
15      types of targets, and circumstances in which a  
16      conventional sea-launched ballistic missile would  
17      be used.

18           (B) A discussion of the weapon systems or  
19      weapons, whether current or planned, that  
20      could be used as an alternative for each of the  
21      scenarios, target types, and circumstances set  
22      forth under subparagraph (A), and a statement  
23      of any reason why each is not a suitable alter-  
24      native to a conventional sea-launched ballistic  
25      missile.

1 (C) A description of the command and con-  
2 trol arrangements for conventional sea-launched  
3 ballistic missiles, including launch authority and  
4 the use of Permissive Action Links (PALs).

5 (D) An assessment of the capabilities of  
6 other countries to detect and track the launch  
7 of a conventional or nuclear sea-launched bal-  
8 listic missile.

9 (E) An assessment of the capabilities of  
10 other countries to discriminate between the  
11 launch of a nuclear sea-launched ballistic mis-  
12 sile and a conventional sea-launched ballistic  
13 missile, other than in a testing scenario.

14 (F) An assessment of the notification and  
15 other protocols that would have to be in place  
16 prior to using any conventional sea-launched  
17 ballistic missile and a plan for entering into  
18 such protocols.

19 (G) An assessment of the adequacy of the  
20 intelligence that would be needed to support an  
21 attack involving conventional sea-launched bal-  
22 listic missiles.

23 (H) A description of the total program  
24 cost, including the procurement costs of addi-  
25 tional D-5 missiles, of the conventional Trident

1 sea-launched ballistic missile program, by fiscal  
2 year.

3 (I) An analysis and assessment of the im-  
4 plications for ballistic missile proliferation if the  
5 United States decides to go forward with the  
6 conventional Trident sea-launched ballistic mis-  
7 sile program or any other conventional long  
8 range ballistic missile program.

9 (J) An analysis and assessment of the im-  
10 plications for the United States missile defense  
11 system if other countries utilize long range con-  
12 ventional ballistic missiles.

13 (K) An analysis of any problems created  
14 by the ambiguity that results from the use of  
15 the same ballistic missile for both conventional  
16 and nuclear warheads.

17 (L) An analysis and assessment of the  
18 methods that other countries might use to re-  
19 solve the ambiguities associated with a nuclear  
20 or conventional sea-launched ballistic missile.

21 (M) An analysis, by the Secretary of State,  
22 of the international, treaty, and other concerns  
23 that would be associated with the use of a con-  
24 ventional sea-launched ballistic missile and rec-

1           ommendations for measures to mitigate or  
2           eliminate such concerns.

3           (N) A joint statement by the Secretary of  
4           Defense and the Secretary of State on how to  
5           ensure that the use of a conventional sea-  
6           launched ballistic missile will not result in an  
7           intentional, inadvertent, mistaken, or accidental  
8           reciprocal or responsive launch of a nuclear  
9           strike by any other country.

10       (c) AVAILABILITY OF FUNDS FOR REPORT.—Of the  
11       amounts authorized to be appropriated by this Act (other  
12       than the amounts covered by the limitation in subsection  
13       (a)), \$20,000,000 may be available to prepare the report  
14       required by subsection (b).

15       **SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

16       Of the amount authorized to be appropriated by sec-  
17       tion 201(4) for research, development, test, and evaluation  
18       for Defense-wide activities and available for ballistic mis-  
19       sile defense—

20           (1) \$65,000,000 may be available for coproduc-  
21       tion of the Arrow ballistic missile defense system;  
22       and

23           (2) \$63,702,000 may be available for the Arrow  
24       System Improvement Program.

1 **SEC. 216. HIGH ENERGY LASER LOW ASPECT TARGET**  
2 **TRACKING.**

3 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
4 OPMENT, TEST, AND EVALUATION, ARMY.—The amount  
5 authorized to be appropriated by section 201(1) for re-  
6 search, development, test, and evaluation for the Army is  
7 hereby increased by \$5,000,000.

8 (b) AVAILABILITY OF AMOUNT.—

9 (1) IN GENERAL.—Of the amount authorized to  
10 be appropriated by section 201(1) for research, de-  
11 velopment, test, and evaluation for the Army, as in-  
12 creased by subsection (a), \$5,000,000 may be avail-  
13 able for the Department of Defense High Energy  
14 Laser Test Facility for High Energy Laser Low As-  
15 pect Target Tracking (HEL–LATT) test series done  
16 jointly with the Navy.

17 (2) CONSTRUCTION WITH OTHER AMOUNTS.—  
18 The amount available under paragraph (1) for the  
19 purpose set forth in that paragraph is in addition to  
20 any amounts available under this Act for that pur-  
21 pose.

22 (c) OFFSET.—The amount authorized to be appro-  
23 priated by section 421 for military personnel is hereby re-  
24 duced by \$5,000,000, due to unexpended obligations, if  
25 available.

1 **SEC. 217. ADVANCED ALUMINUM AEROSTRUCTURES INITIA-**  
2 **TIVE.**

3 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
4 OPMENT, TEST, AND EVALUATION, AIR FORCE.—The  
5 amount authorized to be appropriated by section 201(3)  
6 for research, development, test, and evaluation for the Air  
7 Force is hereby increased by \$2,000,000.

8 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
9 thorized to be appropriated by section 201(3) for research,  
10 development, test, and evaluation for the Air Force, as in-  
11 creased by subsection (a), \$2,000,000 may be available for  
12 Aerospace Technology Development and Demonstration  
13 (PE #603211F) for the Advanced Aluminum  
14 Aerostructures Initiative (A3I).

15 (c) OFFSET.—The amount authorized to be appro-  
16 priated by section 421 for military personnel is hereby de-  
17 creased by \$2,000,000, due to unexpended obligations, if  
18 available.

19 **SEC. 218. LEGGED MOBILITY ROBOTIC RESEARCH.**

20 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
21 OPMENT, TEST, AND EVALUATION, ARMY.—The amount  
22 authorized to be appropriated by section 201(1) for re-  
23 search, development, test, and evaluation for the Army is  
24 hereby increased by \$1,000,000.

25 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
26 thorized to be appropriated by section 201(1) for research,

1 development, test, and evaluation for the Army, as in-  
 2 creased by subsection (a), \$1,000,000 may be available for  
 3 Combat Vehicle and Automotive Technology (PE  
 4 #602601A) for legged mobility robotic research for mili-  
 5 tary applications.

6 (c) OFFSET.—The amount authorized to be appro-  
 7 priated by section 421 for military personnel is hereby de-  
 8 creased by \$1,000,000, due to unexpended obligations, if  
 9 available

10 **SEC. 219. WIDEBAND DIGITAL AIRBORNE ELECTRONIC**  
 11 **SENSING ARRAY.**

12 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
 13 OPMENT, TEST, AND EVALUATION, AIR FORCE.—The  
 14 amount authorized to be appropriated by section 201(3)  
 15 for research, development, test, and evaluation for the Air  
 16 Force is hereby increased by \$3,000,000.

17 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
 18 thorized to be appropriated by section 201(3) for research,  
 19 development, test, and evaluation for the Air Force, as in-  
 20 creased by subsection (a), \$3,000,000 may be available for  
 21 Wideband Digital Airborne Electronic Sensing Array (PE  
 22 #0602204F).

23 (c) OFFSET.—The amount authorized to be appro-  
 24 priated by section 421 for military personnel is hereby re-



duced by \$3,000,000, due to unexpended obligations, if  
available.

**SEC. 220. SCIENCE AND TECHNOLOGY.**

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), \$10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$10,000,000.

1           (2) AVAILABILITY OF AMOUNT.—Of the amount  
 2           authorized to be appropriated by section 201(2) for  
 3           research, development, test, and evaluation for the  
 4           Navy, as increased by paragraph (1), \$10,000,000  
 5           may be available for program element PE  
 6           0601103N for University Research Initiatives.

7           (c) AIR FORCE SUPPORT FOR UNIVERSITY RE-  
 8           SEARCH INITIATIVES.—

9           (1) ADDITIONAL AMOUNT FOR RESEARCH, DE-  
 10          VELOPMENT, TEST, AND EVALUATION, AIR FORCE.—  
 11          The amount authorized to be appropriated by sec-  
 12          tion 201(3) for research, development, test, and  
 13          evaluation for the Air Force is hereby increased by  
 14          \$10,000,000.

15          (2) AVAILABILITY OF AMOUNT.—Of the amount  
 16          authorized to be appropriated by section 201(3) for  
 17          research, development, test, and evaluation for the  
 18          Air Force, as increased by paragraph (1),  
 19          \$10,000,000 may be available for program element  
 20          PE 0601103F for University Research Initiatives.

21          (d) COMPUTER SCIENCE AND CYBERSECURITY.—

22          (1) ADDITIONAL AMOUNT FOR RESEARCH, DE-  
 23          VELOPMENT, TEST, AND EVALUATION, DEFENSE-  
 24          WIDE.—The amount authorized to be appropriated  
 25          by section 201(4) for research, development, test,

1 and evaluation for Defense-wide activities is hereby  
2 increased by \$10,000,000.

3 (2) AVAILABILITY OF AMOUNT.—Of the amount  
4 authorized to be appropriated by section 201(4) for  
5 research, development, test, and evaluation for De-  
6 fense-wide activities, as increased by paragraph (1),  
7 \$10,000,000 may be available for program element  
8 PE 0601101E for the Defense Advanced Research  
9 Projects Agency University Research Program in  
10 Computer Science and Cybersecurity.

11 (e) SMART NATIONAL DEFENSE EDUCATION PRO-  
12 GRAM.—

13 (1) ADDITIONAL AMOUNT FOR RESEARCH, DE-  
14 VELOPMENT, TEST, AND EVALUATION, DEFENSE-  
15 WIDE.—The amount authorized to be appropriated  
16 by section 201(4) for research, development, test,  
17 and evaluation for Defense-wide activities is hereby  
18 increased by \$5,000,000.

19 (2) AVAILABILITY OF AMOUNT.—Of the amount  
20 authorized to be appropriated by section 201(4) for  
21 research, development, test, and evaluation for De-  
22 fense-wide activities, as increased by paragraph (1),  
23 \$5,000,000 may be available for program element  
24 PE 0601120D8Z for the SMART National Defense  
25 Education Program.

1 (f) OFFSET.—The amount authorized to be appro-  
 2 priated by section 421 for military personnel is hereby re-  
 3 duced by \$45,000,000, due to unexpended obligations, if  
 4 available.

## 5 **Subtitle C—Missile Defense** 6 **Programs**

7 **SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT,**  
 8 **TEST, AND EVALUATION FUNDS FOR FIELD-**  
 9 **ING BALLISTIC MISSILE DEFENSE CAPABILI-**  
 10 **TIES.**

11 Upon approval by the Secretary of Defense, funds au-  
 12 thorized to be appropriated for fiscal year 2008 for the  
 13 use of the Department of Defense for research, develop-  
 14 ment, test, and evaluation and available for the Missile  
 15 Defense Agency may be used for the development and  
 16 fielding of ballistic missile defense capabilities.

17 **SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES**  
 18 **IN THE DEVELOPMENT, TESTING, AND FIELD-**  
 19 **ING OF MISSILE DEFENSE CAPABILITIES.**

20 (a) FINDINGS.—Congress makes the following find-  
 21 ings:

22 (1) In response to the threat posed by ballistic  
 23 missiles, President George W. Bush in December  
 24 2002 directed the Secretary of Defense to proceed

1 with the fielding of an initial set of missile defense  
2 capabilities in 2004 and 2005.

3 (2) According to assessments by the intelligence  
4 community of the United States, North Korea tested  
5 in 2005 a new solid propellant short-range ballistic  
6 missile and is likely developing intermediate-range  
7 and intercontinental ballistic missile capabilities that  
8 could someday reach as far as the United States  
9 with a nuclear payload.

10 (3) According to assessments by the intelligence  
11 community of the United States, Iran continued in  
12 2005 to test its medium range ballistic missile, and  
13 the danger that Iran will acquire a nuclear weapon  
14 and integrate it with a ballistic missile Iran already  
15 possesses is a reason for immediate concern.

16 (b) POLICY.—It is the policy of the United States  
17 that the Department of Defense accord a priority within  
18 the missile defense program to the development, testing,  
19 fielding, and improvement of effective near-term missile  
20 defense capabilities, including the ground-based midcourse  
21 defense system, the Aegis ballistic missile defense system,  
22 the Patriot PAC-3 system, the Terminal High Altitude  
23 Area Defense system, and the sensors necessary to sup-  
24 port such systems.

1 **SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**  
2 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**  
3 **DEFENSE PROGRAMS.**

4 Section 232(g) of the National Defense Authorization  
5 Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is  
6 amended—

7 (1) in paragraph (1), by striking “through  
8 2007” and inserting “through 2008”; and

9 (2) in paragraph (2), by striking “through  
10 2008” and inserting “through 2009”.

11 **SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUA-**  
12 **TION OF THE OPERATIONAL CAPABILITY OF**  
13 **THE BALLISTIC MISSILE DEFENSE SYSTEM.**

14 Section 234(a) of the National Defense Act for Fiscal  
15 Year 2006 (Public Law 109–163; 119 Stat. 3174; 10  
16 U.S.C. 2431 note) is amended by adding at the end the  
17 following new paragraph:

18 “(3) SUBMITTAL TO CONGRESS.—Each plan  
19 prepared under this subsection and approved by the  
20 Director of Operational Test and Evaluation shall be  
21 submitted to the congressional defense committees  
22 not later than 30 days after the date of the approval  
23 of such plan by the Director.”.

1 **SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC**  
2 **MISSILE DEFENSE PROGRAMS TO THE MILI-**  
3 **TARY DEPARTMENTS.**

4 (a) REPORT REQUIRED.—Not later than March 1,  
5 2007, and annually thereafter through 2013, the Under  
6 Secretary of Defense for Acquisition, Technology, and Lo-  
7 gistics shall submit to the congressional defense commit-  
8 tees a report on the plans of the Department of Defense  
9 for the transition of missile defense programs from the  
10 Missile Defense Agency to the military departments.

11 (b) SCOPE OF REPORTS.—Each report required by  
12 subsection (a) shall cover the period covered by the future-  
13 years defense program that is submitted under section 221  
14 of title 10, United States Code, in the year in which such  
15 report is submitted.

16 (c) ELEMENTS.—Each report required by subsection  
17 (a) shall include the following:

18 (1) An identification of—

19 (A) the missile defense programs planned  
20 to be transitioned from the Missile Defense  
21 Agency to the military departments; and

22 (B) the missile defense programs, if any,  
23 not planned for transition to the military de-  
24 partments.

25 (2) The schedule for transition of each missile  
26 defense program planned to be transitioned to a

1 military department, and an explanation of such  
2 schedule.

3 (3) A description of the status of the plans and  
4 agreements of the Missile Defense Agency and the  
5 military departments on the transition of missile de-  
6 fense programs to the military departments.

7 (4) An identification of the entity (whether the  
8 Missile Defense Agency, a military department, or  
9 both) that will be responsible for funding each mis-  
10 sile defense program to be transitioned to a military  
11 department, and at what date.

12 (5) A description of the type of funds that will  
13 be used (whether funds for research, development,  
14 test, and evaluation, procurement, military construc-  
15 tion, or operation and maintenance) for each missile  
16 defense program to be transitioned to a military de-  
17 partment.

18 (6) An explanation of the number of systems  
19 planned for procurement for each missile defense  
20 program to be transitioned to a military department,  
21 and the schedule for procurement of each such sys-  
22 tem.



1 **SEC. 236. TESTING AND OPERATIONS FOR MISSILE DE-**  
2 **FENSE.**

3 (a) **ADDITIONAL AMOUNT FOR MISSILE DEFENSE**  
4 **AGENCY.**—Of the amount authorized to be appropriated  
5 by section 201(4) for research, development, test, and  
6 evaluation for Defense-wide activities, the amount that is  
7 available for the Missile Defense Agency is hereby in-  
8 creased by \$45,000,000.

9 (b) **AVAILABILITY OF AMOUNT.**—Of the amount au-  
10 thorized to be appropriated by section 201(4) for research,  
11 development, test, and evaluation for Defense-wide activi-  
12 ties and available for the Missile Defense Agency, as in-  
13 creased by subsection (a), \$45,000,000 may be available  
14 for Ballistic Missile Defense Midcourse Defense Segment  
15 (PE #63882C)—

16 (1) to accelerate the ability to conduct concur-  
17 rent test and missile defense operations; and

18 (2) to increase the pace of realistic flight test-  
19 ing of the ground-based midcourse defense system.

20 (c) **SUPPLEMENT.**—Amounts available under sub-  
21 section (b) for the program element referred to in that  
22 subsection are in addition to any other amounts available  
23 in this Act for that program element.

24 (d) **OFFSET.**—The amount authorized to be appro-  
25 priated by section 421 for military personnel is hereby re-  
26 duced by \$45,000,000, due to unexpended obligations.

## 1                   **Subtitle D—Other Matters**

### 2   **SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RE-** 3                   **SEARCH WATCH PROGRAM.**

4           Section 2365(f) of title 10, United States Code, is  
 5 amended by striking “September 30, 2006” and inserting  
 6 “September 30, 2011”.

### 7   **SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO** 8                   **AWARD PRIZES FOR ADVANCED TECH-** 9                   **NOLOGY ACHIEVEMENTS.**

10          (a) EXPANSION.—

11               (1) IN GENERAL.—Subsection (a) of section  
 12          2374a of title 10, United States Code, is amended—

13                   (A) by striking “Director of the Defense  
 14                   Advanced Research Projects Agency” and in-  
 15                   serting “Director of Defense Research and En-  
 16                   gineering and the Service Acquisition Execu-  
 17                   tives of the military departments”; and

18                   (B) by striking “a program” and inserting  
 19                   “programs”.

20               (2) CONFORMING AMENDMENTS.—(A) Sub-  
 21          section (b) of such section is amended by striking  
 22          “The program” and inserting “Any program”.

23               (B) Subsection (d) of such section is  
 24          amended—

1 (i) by striking “The program” and insert-  
 2 ing “A program”; and

3 (ii) by striking “the Director” and insert-  
 4 ing “an official referred to in that subsection”.

5 (b) EXTENSION.—Subsection (f) of such section is  
 6 amended by striking “September 30, 2007” and inserting  
 7 “September 30, 2011”.

8 (c) MODIFICATION OF REPORTING REQUIREMENT.—  
 9 Subsection (e) of such section is amended to read as fol-  
 10 lows:

11 “(e) ANNUAL REPORT.—(1) Not later than March 1  
 12 each year, the Secretary shall submit to the Committees  
 13 on Armed Services of the Senate and the House of Rep-  
 14 resentatives a report on the activities undertaken during  
 15 the preceding fiscal year under the authority in subsection  
 16 (a).

17 “(2) The report for a fiscal year under this subsection  
 18 shall include the following:

19 “(A) A description of the proposed goals of the  
 20 competitions established under each program under  
 21 subsection (a), including the areas of research, tech-  
 22 nology development, or prototype development to be  
 23 promoted by such competitions and the relationship  
 24 of such areas to the military missions of the Depart-  
 25 ment of Defense.

1           “(B) An analyses of why the utilization of the  
2           authority in subsection (a) was the preferable meth-  
3           od of achieving the goals described in subparagraph  
4           (A) as opposed to other authorities available to the  
5           Department, such as contracts, grants, and coopera-  
6           tive agreements.

7           “(C) The total amount of cash prizes awarded  
8           under each program, including a description of the  
9           manner in which the amounts of cash prizes award-  
10          ed and claimed were allocated among the accounts  
11          of the Department for recording as obligations and  
12          expenditures.

13          “(D) The methods used for the solicitation and  
14          evaluation of submissions under each program, to-  
15          gether with an assessment of the effectiveness of  
16          such methods.

17          “(E) A description of the resources, including  
18          personnel and funding, used in the execution of each  
19          program, together with a detailed description of the  
20          activities for which such resources were used and an  
21          accounting of how funding for execution was allo-  
22          cated among the accounts of the Department for re-  
23          cording as obligations and expenditures.

24          “(F) A description of any plans to transition  
25          the technologies or prototypes developed as a result

1 of each program into an acquisition program of the  
 2 Department.”.

3 **SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUA-**  
 4 **TION TO ADDRESS EMERGING ACQUISITION**  
 5 **APPROACHES.**

6 (a) REPORTS ON CERTAIN DETERMINATIONS TO  
 7 PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—  
 8 Section 2399(b) of title 10, United States Code, is  
 9 amended—

10 (1) by redesignating paragraph (5) as para-  
 11 graph (6); and

12 (2) by inserting after paragraph (4) the fol-  
 13 lowing new paragraph (5):

14 “(5) If, before a final decision is made within the De-  
 15 partment of Defense to proceed with a major defense ac-  
 16 quisition program beyond low-rate initial production, a de-  
 17 cision is made within the Department to proceed to oper-  
 18 ational use of the program or allocate funds available for  
 19 procurement for the program, the Director shall submit  
 20 to the Secretary of Defense and the congressional defense  
 21 committees the report with respect to the program under  
 22 paragraph (2) as soon as practicable after the decision  
 23 under this paragraph is made.”.

24 (b) REVIEW AND REVISION OF POLICIES AND PRAC-  
 25 TICES.—

1           (1) REVIEW.—The Under Secretary of Defense  
2           for Acquisition, Technology, and Logistics and the  
3           Director of Operational Test and Evaluation shall  
4           review Department of Defense policies and practices  
5           on test and evaluation in order to—

6                   (A) reaffirm the test and evaluation prin-  
7                   ciples that guide traditional acquisition pro-  
8                   grams; and

9                   (B) determine how best to apply such prin-  
10                  ciples to emerging acquisition approaches.

11          (2) REVISED GUIDANCE.—If the Under Sec-  
12          retary determines as a result of the review under  
13          paragraph (1) that a revision of the policies and  
14          practices referred to in that paragraph is necessary  
15          in light of emerging approaches to acquisitions, the  
16          Under Secretary and the Director shall jointly issue  
17          new or revised guidance for the Department of De-  
18          fense on test and evaluation to address that deter-  
19          mination.

20          (c) ISSUES TO BE ADDRESSED.—In carrying out  
21          subsection (b), the Under Secretary shall address policies  
22          and practices on test and evaluation in order to—

23                   (1) ensure the performance of test and evalua-  
24                   tion activities with regard to—

1           (A) items that are acquired pursuant to  
2           the authority for rapid acquisition and deploy-  
3           ment of items in section 806 of the Bob Stump  
4           National Defense Authorization Act for Fiscal  
5           Year 2003 (10 U.S.C. 2302 note);

6           (B) programs that are conducted pursuant  
7           to the authority for spiral development in sec-  
8           tion 803 of the Bob Stump National Defense  
9           Authorization Act for Fiscal Year 2003 (Public  
10          Law 107–314; 116 Stat. 2603; 10 U.S.C. 2430  
11          note), or other authority for the conduct of in-  
12          cremental acquisition programs;

13          (C) systems that are acquired pursuant to  
14          time-certain development programs; and

15          (D) equipment that is not subject to the  
16          operational test and evaluation requirements in  
17          section 2399 of title 10, United States Code,  
18          but which may require limited operational test  
19          and evaluation for the purpose of ensuring the  
20          safety and survivability of such equipment and  
21          personnel using such equipment; and

22          (2) ensure the appropriate use, if any, of oper-  
23          ational test and evaluation resources to assess tech-  
24          nology readiness levels for the purpose of section

1        2366a of title 10, United States Code, and other ap-  
 2        plicable technology readiness requirements.

3        (d) FUNDING MATTERS.—The Director of the De-  
 4        fense Test Resource Management Center shall ensure that  
 5        the strategic plan for Department of Defense test and  
 6        evaluation resources developed pursuant to section 196 of  
 7        title 10, United States Code—

8            (1) reflects any testing needs of the Depart-  
 9            ment of Defense that are identified as a result of ac-  
 10          tivities under subsection (b); and

11           (2) includes an assessment of the test and eval-  
 12           uation facilities, resources, and budgets that will be  
 13           required to meet such needs.

14        (e) REPORT TO CONGRESS.—Not later than nine  
 15        months after the date of the enactment of this Act, the  
 16        Under Secretary shall submit to the congressional defense  
 17        committees a report on the review conducted under para-  
 18        graph (1) of subsection (b), including any new or revised  
 19        guidance issued pursuant to paragraph (2) of that sub-  
 20        section.

21        (f) TIME-CERTAIN DEVELOPMENT PROGRAM DE-  
 22        FINED.—In this section, the term “time-certain develop-  
 23        ment program” means a development program that is as-  
 24        signed a specific length of time in which milestone events  
 25        will be accomplished by contract, which length of time may



1 be not more than 6 years from milestone B to initial oper-  
 2 ational capability.

3 **SEC. 254. DEVELOPMENT OF THE PROPULSION SYSTEM**  
 4 **FOR THE JOINT STRIKE FIGHTER.**

5 (a) IN GENERAL.—The Secretary of Defense shall  
 6 provide for the development of the propulsion system for  
 7 the F–35 fighter aircraft (commonly referred to as the  
 8 “Joint Strike Fighter”) by a means elected by the Sec-  
 9 retary from among the following:

10 (1) Through the continuing development and  
 11 sustainment of two interchangeable propulsion sys-  
 12 tems for the F–35 fighter aircraft by two separate  
 13 contractors throughout the life cycle of the aircraft.

14 (2) Through a one-time firm fixed price con-  
 15 tract for a selected propulsion system for the F–35  
 16 fighter aircraft for the life cycle of the aircraft fol-  
 17 lowing the Initial Service Release of the F–35 fight-  
 18 er aircraft propulsion system in fiscal year 2008.

19 (b) NOTICE OF CHANGE IN DEVELOPMENT.—The  
 20 Secretary may not carry out any modification of the pro-  
 21 curement program for the F–35 fighter aircraft that  
 22 would result in the development of the propulsion system  
 23 for such aircraft in a manner other than as elected by  
 24 the Secretary under subsection (a) until the Secretary no-

1 tifies the congressional defense committees of such modi-  
2 fication.

3 **SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT**  
4 **STRIKE FIGHTER ENGINE PROGRAM.**

5 (a) COST ANALYSES.—

6 (1) ANALYSES REQUIRED.—The Secretary of  
7 Defense (acting through the cost analysis improve-  
8 ment group of the Office of the Secretary of De-  
9 fense), a federally funded research and development  
10 center (FFRDC) selected by the Secretary for pur-  
11 poses of this section, and the Comptroller General of  
12 the United States shall each perform three detailed  
13 and comprehensive cost analyses of the engine pro-  
14 gram for the F-35 fighter aircraft (commonly re-  
15 ferred to as the “Joint Strike Fighter”).

16 (2) ELEMENTS.—Each official or entity per-  
17 forming cost analyses under paragraph (1) shall per-  
18 form a cost analysis of each of the following:

19 (A) An alternative under which the F-35  
20 fighter aircraft is capable of using the F135 en-  
21 gine only.

22 (B) An alternative under which the F-35  
23 fighter aircraft is capable of using either the  
24 F135 engine or the F136 engine.

1           (C) Any other alternative, whether secured  
 2           through a competitive or sole-source bidding  
 3           process, that would reduce cost, improve pro-  
 4           gram schedule, and improve performance and  
 5           reliability of the F-35 fighter aircraft program.

6       (b) REPORTS.—

7           (1) REPORTS REQUIRED.—Not later than  
 8           March 15, 2007, the Secretary, the federally funded  
 9           research and development center selected under sub-  
 10          section (a), and the Comptroller General shall each  
 11          submit to the congressional defense committees a re-  
 12          port on the three independent cost analyses per-  
 13          formed by such official or entity under subsection  
 14          (a).

15          (2) REPORT ELEMENTS.—Each report under  
 16          paragraph (1) shall include the following:

17               (A) A statement of the key assumptions  
 18               utilized in performing each cost analysis cov-  
 19               ered by such report.

20               (B) A discussion of the methodology and  
 21               techniques utilized in performing each cost  
 22               analysis.

23               (C) For each alternative under subsection  
 24          (a)(2)—

1 (i) a comparison of the life-cycle costs,  
2 including costs in current and constant  
3 dollars and a net-present-value analysis,  
4 with the other alternatives under that sub-  
5 section; and

6 (ii) an estimate of—

7 (I) the supply, maintenance, and  
8 other operations manpower required  
9 to support such alternative;

10 (II) the number of flight hours  
11 required to achieve engine maturity,  
12 and the year in which engine maturity  
13 is anticipated to be achieved; and

14 (III) the total number of engines  
15 anticipated to be procured over the  
16 lifetime of the F-35 fighter aircraft  
17 program.

18 (D) A discussion of the acquisition strate-  
19 gies used for the acquisition of engines for  
20 other tactical fighter aircraft, including the F-  
21 15, F-16, F-18, and F-22 fighter aircraft, and  
22 an assessment of the experience in terms of  
23 cost, schedule, and performance under the ac-  
24 quisition programs for such engines.

1           (E) A comparison in terms of performance,  
 2           savings, maintainability, reliability, and tech-  
 3           nical innovation of the acquisition programs for  
 4           engines for tactical fighter aircraft carried out  
 5           on a sole-source basis with the acquisition pro-  
 6           grams for tactical fighter aircraft carried out on  
 7           a competitive basis.

8           (F) Such conclusions and recommenda-  
 9           tions in light of the cost analyses as the official  
 10          or entity submitting such report considers ap-  
 11          propriate.

12          (3) CERTIFICATION OF FFRDC AND COMP-  
 13          TROLLER GENERAL.—In submitting the report re-  
 14          quired by this subsection, the federally funded re-  
 15          search and development center and the Comptroller  
 16          General shall each also submit a certification as to  
 17          whether the federally funded research and develop-  
 18          ment center or the Comptroller General, as the case  
 19          may be, had access to sufficient information to en-  
 20          able the federally funded research and development  
 21          center or the Comptroller General, as the case may  
 22          be, to make informed judgments on the matters re-  
 23          quired to be included in the report.

24          (c) LIFE-CYCLE COSTS DEFINED.—In this section,  
 25          the term “life-cycle costs” includes—

1           (1) the elements of costs that would be consid-  
 2           ered for a life-cycle cost analysis for a major defense  
 3           acquisition program, such as procurement of en-  
 4           gines, procurement of spare engines, and procure-  
 5           ment of engine components and parts; and

6           (2) good-faith estimates of routine engine costs,  
 7           such as performance upgrades and component im-  
 8           provement, that historically have occurred in tactical  
 9           fighter engine programs.

10 **SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF**  
 11 **JOINT STRIKE FIGHTER TECHNOLOGY.**

12       It is the sense of the Senate that the Secretary of  
 13 Defense should share technology with regard to the Joint  
 14 Strike Fighter between the United States Government and  
 15 the Government of the United Kingdom consistent with  
 16 the national security interests of both nations.

17 **SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DE-**  
 18 **PARTMENT OF DEFENSE.**

19       (a) REPORT.—The Secretary of Defense shall submit  
 20 to Congress, at the same time as the submittal of the  
 21 budget of the President for fiscal year 2008 (as submitted  
 22 under section 1105(a) of title 31, United States Code) a  
 23 report on the biometrics programs of the Department of  
 24 Defense.

1 (b) ELEMENTS.—The report shall address the fol-  
2 lowing:

3 (1) Whether the Department should modify the  
4 current executive agent management structure for  
5 the biometrics programs.

6 (2) The requirements for the biometrics pro-  
7 grams to meet needs throughout the Department of  
8 Defense.

9 (3) A description of programs currently fielded  
10 to meet requirements in Iraq and Afghanistan.

11 (4) An assessment of the adequacy of fielded  
12 programs to meet operational requirements.

13 (5) An assessment of programmatic or capa-  
14 bility gaps in meeting future requirements.

15 (6) The actions being taken within the Execu-  
16 tive Branch to coordinate and integrate require-  
17 ments, programs, and resources among the depart-  
18 ments and agencies of the Executive Branch with a  
19 role in using or developing biometrics capabilities.

20 (c) BIOMETRICS DEFINED.—In this section, the term  
21 “biometrics” means an identity management program or  
22 system that utilizes distinct personal attributes, including  
23 DNA, facial features, irises, retinas, signatures, or voices,  
24 to identify individuals.

**TITLE III—OPERATION AND  
MAINTENANCE  
Subtitle A—Authorization of  
Appropriations**

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,795,580,000.
- (2) For the Navy, \$31,130,784,000.
- (3) For the Marine Corps, \$3,905,262,000.
- (4) For the Air Force, \$31,251,107,000.
- (5) For Defense-wide activities,  
\$20,106,756,000.
- (6) For the Army Reserve, \$2,139,702,000.
- (7) For the Naval Reserve, \$1,288,764,000.
- (8) For the Marine Corps Reserve,  
\$211,911,000.
- (9) For the Air Force Reserve, \$2,575,100,000.
- (10) For the Army National Guard,  
\$4,857,728,000.
- (11) For the Air National Guard,  
\$5,318,717,000.



1           (12) For the United States Court of Appeals  
2           for the Armed Forces, \$11,721,000.

3           (13) For Environmental Restoration, Army,  
4           \$463,794,000.

5           (14) For Environmental Restoration, Navy,  
6           \$304,409,000.

7           (15) For Environmental Restoration, Air Force,  
8           \$423,871,000.

9           (16) For Environmental Restoration, Defense-  
10          wide, \$18,431,000.

11          (17) For Environmental Restoration, Formerly  
12          Used Defense Sites, \$282,790,000.

13          (18) For the Overseas Contingency Operations  
14          Transfer Fund, \$10,000,000.

15          (19) For Cooperative Threat Reduction pro-  
16          grams, \$372,128,000.

17          (20) For Overseas Humanitarian Disaster and  
18          Civic Aid, \$63,204,000.

19 **SEC. 302. WORKING CAPITAL FUNDS.**

20          Funds are hereby authorized to be appropriated for  
21          fiscal year 2007 for the use of the Armed Forces and other  
22          activities and agencies of the Department of Defense for  
23          providing capital for working capital and revolving funds  
24          in amounts as follows:

1           (1) For the Defense Working Capital Funds,  
2       \$1,364,498,000.

3           (2) For the National Defense Sealift Fund,  
4       \$1,071,932,000.

5   **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

6       (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
7 by authorized to be appropriated for the Department of  
8 Defense for fiscal year 2007 for expenses, not otherwise  
9 provided for, for the Defense Health Program,  
10 \$20,915,321,000, of which—

11           (1) \$20,381,863,000 is for Operation and  
12       Maintenance;

13           (2) \$135,603,000 is for Research, Development,  
14       Test, and Evaluation; and

15           (3) \$397,855,000 is for Procurement.

16       (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
17 TION, DEFENSE.—

18           (1) IN GENERAL.—Funds are hereby authorized  
19 to be appropriated for the Department of Defense  
20 for fiscal year 2007 for expenses, not otherwise pro-  
21 vided for, for Chemical Agents and Munitions De-  
22 struction, Defense, \$1,277,304,000, of which—

23           (A) \$1,046,290,000 is for Operation and  
24       Maintenance; and

1 (B) \$231,014,000 is for Research, Devel-  
2 opment, Test, and Evaluation.

3 (2) AVAILABILITY.—Amounts authorized to be  
4 appropriated under paragraph (1) are authorized  
5 for—

6 (A) the destruction of lethal chemical  
7 agents and munitions in accordance with sec-  
8 tion 1412 of the Department of Defense Au-  
9 thorization Act, 1986 (50 U.S.C. 1521); and

10 (B) the destruction of chemical warfare  
11 materiel of the United States that is not cov-  
12 ered by section 1412 of such Act.

13 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
14 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
15 to be appropriated for the Department of Defense for fis-  
16 cal year 2007 for expenses, not otherwise provided for, for  
17 Drug Interdiction and Counter-Drug Activities, Defense-  
18 wide, \$926,890,000.

19 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
20 hereby authorized to be appropriated for the Department  
21 of Defense for fiscal year 2007 for expenses, not otherwise  
22 provided for, for the Office of the Inspector General of  
23 the Department of Defense, \$216,297,000, of which—

24 (1) \$214,897,000 is for Operation and Mainte-  
25 nance; and

1 (2) \$1,400,000 is for Procurement.

2 **Subtitle B—Program Require-**  
3 **ments, Restrictions, and Limita-**  
4 **tions**

5 **SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
6 **THE ARMY LOGISTICS MODERNIZATION PRO-**  
7 **GRAM.**

8 Of the funds authorized to be appropriated for the  
9 Department of Defense by this division and available for  
10 the Army Logistics Modernization Program (LMP), not  
11 more than \$6,900,000 may be obligated or expended for  
12 the development, fielding, or operation of the program  
13 until the Chairman of the Defense Business Systems Mod-  
14 ernization Committee certifies to the congressional defense  
15 committees each of the following:

16 (1) That the program is essential to the na-  
17 tional security of the United States or to the effi-  
18 cient management of the Department of Defense.

19 (2) That there is no alternative to the system  
20 under the program which will provide equal or great-  
21 er capability at a lower cost.

22 (3) That the estimated costs, and the proposed  
23 schedule and performance parameters, for the pro-  
24 gram and system are reasonable.

1           (4) That the management structure for the pro-  
2       gram is adequate to manage and control program  
3       costs.

4   **SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE**  
5                   **NATIONAL MUSEUMS OF THE ARMED**  
6                   **FORCES.**

7       (a) NATIONAL MUSEUM OF THE UNITED STATES  
8   ARMY.—Of the amounts authorized to be appropriated by  
9   section 301(1) for operation and maintenance for the  
10  Army, \$3,000,000 may be available to the Secretary of  
11  the Army for education and training purposes to contract  
12  with the Army Historical Foundation for the acquisition,  
13  installation, and maintenance of exhibits at the facility  
14  designated by the Secretary as the National Museum of  
15  the United States Army.

16       (b) NATIONAL MUSEUM OF THE UNITED STATES  
17  NAVY.—Of the amounts authorized to be appropriated by  
18  section 301(2) for operation and maintenance for the  
19  Navy, \$3,000,000 may be available to the Secretary of the  
20  Navy for education and training purposes to contract with  
21  the Naval Historical Foundation for the acquisition, in-  
22  stallation, and maintenance of exhibits at the facility des-  
23  ignated by the Secretary as the National Museum of the  
24  United States Navy.

1 (c) NATIONAL MUSEUM OF THE MARINE CORPS AND  
 2 HERITAGE CENTER.—Of the amounts authorized to be  
 3 appropriated by section 301(3) for operation and mainte-  
 4 nance for the Marine Corps, \$3,000,000 may be available  
 5 to the Secretary of the Navy for education and training  
 6 purposes to contract with the United States Marine Corps  
 7 Heritage Foundation for the acquisition, installation, and  
 8 maintenance of exhibits at the National Museum of the  
 9 Marine Corps and Heritage Center.

10 (d) NATIONAL MUSEUM OF THE UNITED STATES  
 11 AIR FORCE.—Of the amounts authorized to be appro-  
 12 priated by section 301(4) for operation and maintenance  
 13 for the Air Force, \$3,000,000 may be available to the Sec-  
 14 retary of the Air Force for education and training pur-  
 15 poses to contract with the Air Force Museum Foundation  
 16 for the acquisition, installation, and maintenance of exhib-  
 17 its at the facility designated by the Secretary as the Na-  
 18 tional Museum of the United States Air Force.

19 (e) REIMBURSEMENT.—

20 (1) AUTHORITY TO ACCEPT REIMBURSE-  
 21 MENT.—During any fiscal year after fiscal year  
 22 2006, the Secretary of a military department may  
 23 accept from any non-profit entity authorized to sup-  
 24 port the national museum of the applicable Armed  
 25 Force amounts to reimburse such Secretary for

1 amounts obligated and expended by such Secretary  
2 from amounts available to such Secretary under this  
3 section.

4 (2) TREATMENT.—Amounts accepted as reim-  
5 bursement under paragraph (1) shall be credited to  
6 the account that was used to cover the costs in-  
7 curred by the Secretary of the military department  
8 concerned under this section. Amounts so credited  
9 shall be merged with amounts in such account, and  
10 shall be available for the same purposes, and subject  
11 to the same conditions and limitations, as amounts  
12 in such account.

13 **SEC. 313. LIMITATION ON FINANCIAL MANAGEMENT IM-**  
14 **PROVEMENT AND AUDIT INITIATIVES WITHIN**  
15 **THE DEPARTMENT OF DEFENSE.**

16 (a) LIMITATION.—The Secretary of Defense may not  
17 obligate or expend any funds for the purpose of any finan-  
18 cial management improvement activity relating to the  
19 preparation, processing, or auditing of financial state-  
20 ments until the Secretary submits to the congressional de-  
21 fense committees a written determination that each activ-  
22 ity proposed to be funded is—

23 (1) consistent with the financial management  
24 improvement plan of the Department of Defense re-  
25 quired by section 376(a)(1) of the National Defense

1 Authorization Act for Fiscal Year 2006 (Public Law  
2 190–163; 119 Stat. 3213); and

3 (2) likely to improve internal controls or other-  
4 wise result in sustained improvements in the ability  
5 of the Department to produce timely, reliable, and  
6 complete financial management information.

7 (b) EXCEPTION.—The limitation in subsection (a)  
8 shall not apply to an activity directed exclusively at assess-  
9 ing the adequacy of internal controls and remediating any  
10 inadequacy identified pursuant to such assessment.

11 **SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION**  
12 **AND MAINTENANCE FUNDS FOR THE MAN-**  
13 **AGEMENT HEADQUARTERS OF THE DEFENSE**  
14 **INFORMATION SYSTEMS AGENCY.**

15 Of the amount authorized to be appropriated by this  
16 title and available for purposes of the operation and main-  
17 tenance of the management headquarters of the Defense  
18 Information Systems Agency, not more than 50 percent  
19 may be available for such purposes until the Secretary of  
20 Defense submits to Congress the report on the acquisition  
21 strategy of the Department of Defense for commercial sat-  
22 ellite communications services required by section 818(b)  
23 of the National Defense Authorization Act for Fiscal Year  
24 2006 (Public Law 109–136; 119 Stat. 3385).



1 **SEC. 315. EXPANSION OF JUNIOR RESERVE OFFICERS'**  
2 **TRAINING CORPS PROGRAM.**

3 (a) IN GENERAL.—The Secretaries of the military  
4 departments shall take appropriate actions to increase the  
5 number of secondary educational institutions at which a  
6 unit of the Junior Reserve Officers' Training Corps is or-  
7 ganized under chapter 102 of title 10, United States Code.

8 (b) EXPANSION TARGETS.—In increasing under sub-  
9 section (a) the number of secondary educational institu-  
10 tions at which a unit of the Junior Reserve Officers'  
11 Training Corps is organized, the Secretaries of the mili-  
12 tary departments shall seek to organize units at an addi-  
13 tional number of institutions as follows:

14 (1) In the case of Army units, 15 institutions.

15 (2) In the case of Navy units, 10 institutions.

16 (3) In the case of Marine Corps units, 15 insti-  
17 tutions.

18 (4) In the case of Air Force units, 10 institu-  
19 tions.

20 **SEC. 316. INFANTRY COMBAT EQUIPMENT.**

21 Of the amount authorized to be appropriated by sec-  
22 tion 301(8) for operation and maintenance for the Marine  
23 Corps Reserve, \$2,500,000 may be available for Infantry  
24 Combat Equipment (ICE).

1 **SEC. 317. INDIVIDUAL FIRST AID KIT.**

2       Of the amount authorized to be appropriated by sec-  
3 tion 301(8) for operation and maintenance for the Marine  
4 Corps Reserve, \$1,500,000 may be available for the Indi-  
5 vidual First Aid Kit (IFAK).

6 **SEC. 318. READING FOR THE BLIND AND DYSLEXIC PRO-**  
7 **GRAM OF THE DEPARTMENT OF DEFENSE.**

8       (a) DEFENSE DEPENDENTS.—Of the amount au-  
9 thorized to be appropriated by section 301(5) for oper-  
10 ation and maintenance for Defense-wide activities,  
11 \$500,000 may be available for the Reading for the Blind  
12 and Dyslexic program of the Department of Defense for  
13 defense dependents of elementary and secondary school  
14 age in the continental United States and overseas.

15       (b) SEVERELY WOUNDED OR INJURED MEMBERS OF  
16 THE ARMED FORCES.—Of the amount authorized to be  
17 appropriated by section 1405(5) for operation and mainte-  
18 nance for Defense-wide activities, \$500,000 may be avail-  
19 able for the Reading for the Blind and Dyslexic program  
20 of the Department of Defense for severely wounded or in-  
21 jured members of the Armed Forces.

22 **SEC. 319. MILITARY TRAINING INFRASTRUCTURE IM-**  
23 **PROVEMENTS AT VIRGINIA MILITARY INSTI-**  
24 **TUTE.**

25       Of the amount authorized to be appropriated by sec-  
26 tion 301(1) for operation and maintenance for the Army,

1 \$2,900,000 may be available to the Virginia Military Insti-  
 2 tute for military training infrastructure improvements to  
 3 provide adequate field training of all Armed Forces Re-  
 4 serve Officer Training Corps.

5 **SEC. 320. ENVIRONMENTAL DOCUMENTATION FOR BED-**  
 6 **DOWN OF F-22A AIRCRAFT AT HOLLOMAN**  
 7 **AIR FORCE BASE, NEW MEXICO.**

8 The Secretary of the Air Force shall prepare environ-  
 9 mental documentation per the requirements of the Na-  
 10 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
 11 et seq.) for the beddown of F-22A aircraft at Holloman  
 12 Air Force Base, New Mexico, as replacements for the re-  
 13 tiring F-117A aircraft.

14 **Subtitle C—Environmental**  
 15 **Provisions**

16 **SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILI-**  
 17 **TARY MUNITIONS.**

18 (a) PERFORMANCE GOALS FOR REMEDIATION.—The  
 19 Department of Defense shall set the following remediation  
 20 goals:

21 (1) To complete, by not later than September  
 22 30, 2007, preliminary assessments of unexploded  
 23 ordnance, discarded military munitions, and muni-  
 24 tions constituents at all active installations and for-  
 25 merly used defense sites.

1           (2) To complete, by not later than September  
2       30, 2010, site inspections of unexploded ordnance,  
3       discarded military munitions, and munitions con-  
4       stituents at all active installations and formerly used  
5       defense sites.

6           (3) To achieve, by not later than September 30,  
7       2009, a remedy in place or response complete for  
8       unexploded ordnance, discarded military munitions,  
9       and munitions constituents at all military installa-  
10      tions closed or realigned as part of a round of de-  
11      fense base closure and realignment occurring prior  
12      to the 2005 round.

13          (4) To achieve, by a time certain established by  
14      the Secretary, a remedy in place or response com-  
15      plete for unexploded ordnance, discarded military  
16      munitions, and munitions constituents at all active  
17      installations and formerly used defense sites (other  
18      than operational ranges) and all military installa-  
19      tions realigned or closed under the 2005 round of  
20      defense base closure and realignment.

21      (b) RESPONSE PLAN REQUIRED.—

22          (1) IN GENERAL.—Not later than March 1,  
23      2007, the Secretary of Defense shall submit to the  
24      congressional defense committees a comprehensive  
25      plan for addressing the remediation of unexploded

1 ordnance, discarded military munitions, and muni-  
2 tions constituents at current and former defense  
3 sites (other than operational ranges).

4 (2) CONTENT.—The plan required by para-  
5 graph (1) shall include—

6 (A) a schedule, including interim goals, for  
7 achieving the goals described in paragraphs (1)  
8 through (3) of subsection (a), based upon the  
9 Munitions Response Site Prioritization Protocol  
10 established by the Department of Defense;

11 (B) such interim goals as the Secretary de-  
12 termines feasible for efficiently achieving the  
13 goal required under paragraph (4) of such sub-  
14 section; and

15 (C) an estimate of the funding required to  
16 achieve the goals established pursuant to such  
17 subsection and the interim goals established  
18 pursuant to subparagraphs (A) and (B).

19 (3) UPDATES.—(A) The Secretary shall, not  
20 later than March 15 of 2008, 2009, and 2010, sub-  
21 mit to the congressional defense committees an up-  
22 date of the plan required under paragraph (1). Each  
23 update may be included in the report on environ-  
24 mental restoration activities submitted to Congress  
25 under section 2706(a) of title 10, United States

1 Code, that is submitted in the year in which such  
2 update is submitted.

3 (B) The Secretary may include in an update  
4 submitted under subparagraph (A) any adjustment  
5 to the remediation goals established under sub-  
6 section (a) that the Secretary determines necessary  
7 to respond to unforeseen circumstances.

8 (c) REPORT ON REUSE STANDARDS AND PRIN-  
9 CIPLES.—Not later than March 1, 2007, the Secretary of  
10 Defense shall submit to the congressional defense commit-  
11 tees a report on the status of the efforts of the Depart-  
12 ment of Defense to achieve agreement with relevant regu-  
13 latory agencies on appropriate reuse standards or prin-  
14 ciples, including—

15 (1) a description of any standards or principles  
16 that have been agreed upon; and

17 (2) a discussion of any issues that remain in  
18 disagreement (including the impact that any such  
19 disagreement is likely to have on the ability of the  
20 Department of Defense to carry out the plan).

21 (d) DEFINITIONS.—In this section, the terms  
22 “unexploded ordnance”, “discarded military munitions”,  
23 “munitions constituents”, “operational range”, and “de-  
24 fense site” have the meaning given such terms in section  
25 2710(e) of title 10, United States Code.

1 (e) CONFORMING REPEAL.—Section 313 of the Na-  
 2 tional Defense Authorization Act for Fiscal Year 2002  
 3 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706  
 4 note) is repealed.

5 **SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMP-**  
 6 **TIONS TO CERTAIN REQUIREMENTS.**

7 (a) AMENDMENT TO TOXIC SUBSTANCES CONTROL  
 8 ACT.—Section 6(e)(3) of the Toxic Substances Control  
 9 Act (15 U.S.C. 2605(e)(3)) is amended—

10 (1) in subparagraph (A), by striking “subpara-  
 11 graphs (B) and (C)” and inserting “subparagraphs  
 12 (B), (C), and (D)”;

13 (2) in subparagraph (B), by striking “but not  
 14 more than 1 year from the date it is granted” and  
 15 inserting “but not more than 1 year from the date  
 16 it is granted, except as provided in subparagraph  
 17 (D)”;

18 (3) by adding at the end the following new sub-  
 19 paragraph:

20 “(D) The Administrator may grant an ex-  
 21emption pursuant to subparagraph (B) for a  
 22period of up to 3 years for the purpose of au-  
 23thorizing the Secretary of Defense and the Sec-  
 24retaries of the military departments to provide  
 25for the transportation into the customs territory

1           of the United States of polychlorinated  
2           biphenyls generated by or under the control of  
3           the Department of Defense for purposes of  
4           their disposal, treatment, or storage in the cus-  
5           toms territory of the United States.”.

6           (b) SUNSET DATE.—The amendments made by sub-  
7           section (a) shall cease to have effect on September 30,  
8           2012. The termination of the authority to grant exemp-  
9           tions pursuant to such amendments shall not effect the  
10          validity of any exemption granted prior to such date.

11          (c) REPORT.—Not later than March 1, 2011, the  
12          Secretary of Defense shall submit to the Committee on  
13          Armed Services and the Committee on Environment and  
14          Public Works of the Senate and the Committee on Armed  
15          Services and the Committee on Energy and Commerce of  
16          the House of Representatives a report on the status of  
17          polychlorinated biphenyls generated by or under the con-  
18          trol of the Department of Defense outside the United  
19          States. The report shall address, at a minimum—

20               (1) the remaining volume of such poly-  
21          chlorinated biphenyls that may require transpor-  
22          tation into the customs territory of the United  
23          States for disposal, treatment, or storage; and



(2) the efforts that have been made by the Department of Defense and other Federal agencies to reduce such volume by—

(A) reducing the volume of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States; or

(B) developing alternative options for the disposal, treatment, or storage of such polychlorinated biphenyls.

**SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.**

(a) IDENTIFICATION OF DISPOSAL SITES.—

(1) HISTORICAL REVIEW.—The Secretary of Defense, in cooperation with the Commandant of the Coast Guard, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant Federal agencies, shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

1           (2) INTERIM REPORTS.—The Secretary of De-  
2       fense shall periodically, but no less often than annu-  
3       ally, release any new information obtained during  
4       the historical review conducted under paragraph (1).  
5       The Secretary may withhold from public release the  
6       exact nature and locations of munitions the potential  
7       unauthorized retrieval of which could pose a signifi-  
8       cant threat to the national defense or public safety.

9           (3) INCLUSION OF INFORMATION IN ANNUAL  
10      REPORT ON ENVIRONMENTAL RESTORATION ACTIVI-  
11      TIES.—The Secretary shall include the information  
12      obtained pursuant to the review conducted under  
13      paragraph (1) in the annual report on environmental  
14      restoration activities submitted to Congress under  
15      section 2706 of title 10, United States Code.

16          (4) FINAL REPORT.—The Secretary shall com-  
17      plete the historical review required under paragraph  
18      (1) and submit a final report on the findings of such  
19      review in the annual report on environmental res-  
20      toration activities submitted to Congress for fiscal  
21      year 2009.

22          (b) IDENTIFICATION OF NAVIGATIONAL AND SAFETY  
23      HAZARDS.—

24          (1) IDENTIFICATION OF HAZARDS.—The Sec-  
25      retary of Defense shall provide available information

1 to the Secretary of Commerce to assist the National  
2 Oceanic and Atmospheric Administration in pre-  
3 paring nautical charts and other navigational mate-  
4 rials for coastal waters that identify known or poten-  
5 tial hazards posed by disposed military munitions to  
6 private activities, including commercial shipping and  
7 fishing operations.

8 (2) CONTINUATION OF INFORMATION ACTIVI-  
9 TIES.—The Secretary of Defense shall continue ac-  
10 tivities to inform potentially affected users of the  
11 ocean environment, particularly fishing operations,  
12 of the possible hazards from contact with disposed  
13 military munitions and the proper methods to miti-  
14 gate such hazards.

15 (c) RESEARCH.—

16 (1) IN GENERAL.—The Secretary of Defense  
17 shall continue to conduct research on the effects on  
18 the ocean environment and those who use it of mili-  
19 tary munitions disposed of in coastal waters.

20 (2) SCOPE.—Research under paragraph (1)  
21 shall include—

22 (A) the sampling and analysis of ocean wa-  
23 ters and sea beds at or adjacent to military mu-  
24 nitions disposal sites selected pursuant to para-  
25 graph (3) to determine whether the disposed

1 military munitions have caused or are causing  
2 contamination of such waters or sea beds;

3 (B) investigation into the long-term effects  
4 of seawater exposure on disposed military muni-  
5 tions, particularly effects on chemical muni-  
6 tions;

7 (C) investigation into the impacts any such  
8 contamination may have on the ocean environ-  
9 ment and those who use it, including public  
10 health risks;

11 (D) investigation into the feasibility of re-  
12 moving or otherwise remediating the military  
13 munitions; and

14 (E) the development of effective safety  
15 measures for dealing with such military muni-  
16 tions.

17 (3) RESEARCH CRITERIA.—In conducting the  
18 research required by this subsection, the Secretary  
19 shall ensure that the sampling, analysis, and inves-  
20 tigation are conducted at representative sites, tak-  
21 ing into account factors such as depth, water tem-  
22 perature, nature of the military munitions present,  
23 and relative proximity to onshore populations. In  
24 conducting such research, the Secretary shall select  
25 at least two representative sites each in the areas of

1 the Atlantic coast, the Pacific coast (including Alas-  
 2 ka), and the Hawaiian Islands.

3 (4) AUTHORITY TO MAKE GRANTS AND ENTER  
 4 INTO COOPERATIVE AGREEMENTS.—In conducting  
 5 research under this subsection, the Secretary may  
 6 make grants to, and enter into cooperative agree-  
 7 ments with, qualified research entities.

8 (d) MONITORING.—If the historical review required  
 9 by subsection (a) or the research required by subsection  
 10 (c) indicates that contamination is being released into the  
 11 ocean waters from disposed military munitions at a par-  
 12 ticular site or that the site poses a significant public health  
 13 or safety risk, the Secretary shall institute appropriate  
 14 monitoring mechanisms at that site and report to the con-  
 15 gressional defense committees on any additional measures  
 16 that may be necessary to address the release or risk, as  
 17 applicable.

18 (e) DEFINITIONS.—In this section:

19 (1) The term “coastal waters” means that part  
 20 of the ocean extending from the coast line of the  
 21 United States to the outer boundary of the outer  
 22 Continental Shelf.

23 (2) The term “coast line” has the meaning  
 24 given that term in section 2(c) of the Submerged  
 25 Lands Act (43 U.S.C. 1301(c)).

1           (3) The term “outer Continental Shelf” has the  
 2           meaning given that term in section 2(a) of the Outer  
 3           Continental Shelf Lands Act (43 U.S.C. 1331(a)).

4 **SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO**  
 5                   **USE BASE CLOSURE FUNDS TO FUND COOP-**  
 6                   **ERATIVE AGREEMENTS UNDER ENVIRON-**  
 7                   **MENTAL RESTORATION PROGRAM.**

8           Section 2701 of title 10, United States Code, is  
 9           amended by adding at the end the following new sentence:  
 10          “‘This two-year limitation does not apply to agreements  
 11          funded through the Department of Defense Base Closure  
 12          Account 1990 or the Department of Defense Base Closure  
 13          Account 2005 established by sections 2906 and 2906A,  
 14          respectively, of the Defense Base Closure and Realignment  
 15          Act of 1990 (part A of title XXIX of Public Law 101–  
 16          510; 10 U.S.C. 2687 note).’”.

17 **SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
 18                   **TION AGENCY FOR CERTAIN COSTS IN CON-**  
 19                   **NECTION WITH MOSES LAKE WELLFIELD**  
 20                   **SUPERFUND SITE, MOSES LAKE, WASH-**  
 21                   **INGTON.**

22          (a) **AUTHORITY TO REIMBURSE.**—(1) Using funds  
 23          described in subsection (b), the Secretary of Defense may  
 24          transfer not more than \$111,114.03 to the Moses Lake  
 25          Wellfield Superfund Site 10–6J Special Account.

1       (2) The payment under paragraph (1) is to reimburse  
2 the Environmental Protection Agency for its costs in-  
3 curred in overseeing a remedial investigation/feasibility  
4 study performed by the Department of the Army under  
5 the Defense Environmental Restoration Program at the  
6 former Larson Air Force Base, Moses Lake Superfund  
7 Site, Moses Lake, Washington.

8       (3) The reimbursement described in paragraph (2) is  
9 provided for in the interagency agreement entered into by  
10 the Department of the Army and the Environmental Pro-  
11 tection Agency for the Moses Lake Wellfield Superfund  
12 Site in March 1999.

13       (b) SOURCE OF FUNDS.—Any payment under sub-  
14 section (a) shall be made using funds authorized to be ap-  
15 propriated by section 301(17) for operation and mainte-  
16 nance for Environmental Restoration, Formerly Used De-  
17 fense Sites.

18       (c) USE OF FUNDS.—The Environmental Protection  
19 Agency shall use the amount transferred under subsection  
20 (a) to pay costs incurred by the Agency at the Moses Lake  
21 Wellfield Superfund Site.

## **Subtitle D—Reports**

### **SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS OF THE GROUND FORCES OF THE ARMY AND THE MARINE CORPS.**

#### **(a) REPORT REQUIRED.—**

(1) **IN GENERAL.**—Not later than March 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the readiness of the active component and reserve component ground forces of the Army and the Marine Corps.

(2) **ONE OR MORE REPORTS.**—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements. If the Comptroller General submits more than one report under this section, all such reports shall be submitted not later than the date specified in paragraph (1).

(b) **ELEMENTS.**—The elements specified in this subsection include the following:

(1) An analysis of the current readiness status of each of the active component and reserve component ground forces of the Army and the Marine



1 Corps, including a description of any major defi-  
2 ciency identified, an analysis of the trends in readi-  
3 ness of such forces during not less than the ten  
4 years preceding the report, and a comparison of the  
5 current readiness indicators of such ground forces  
6 with historical patterns.

7 (2) An assessment of the ability of the Army  
8 and the Marine Corps to provide trained and ready  
9 forces for ongoing operations as well as other com-  
10 mitments assigned to the Army and the Marine  
11 Corps in defense planning documents.

12 (3) An analysis of the availability of equipment  
13 for training by units of the Army and the Marine  
14 Corps in the United States in configurations com-  
15 parable to the equipment being used by units of the  
16 Army and the Marine Corps, as applicable, in ongo-  
17 ing operations.

18 (4) An analysis of the current and projected re-  
19 quirement for repair or replacement of equipment of  
20 the Army and the Marine Corps due to ongoing op-  
21 erations, and the impact of such required repair or  
22 replacement of equipment on the availability of  
23 equipment for training.

1           (5) An assessment of the current personnel  
2 tempo of Army and Marine Corps forces,  
3 including—

4               (A) a comparison of such tempos to histor-  
5 ical trends;

6               (B) an identification of particular occupa-  
7 tional specialties that are experiencing unusu-  
8 ally high or low deployment rates; and

9               (C) an analysis of retention rates in the oc-  
10 cupational specialties identified under subpara-  
11 graph (B).

12           (6) An assessment of the efforts of the Army  
13 and the Marine Corps to mitigate the impact of high  
14 operational tempos, including cross-leveling of per-  
15 sonnel and equipment or cross training of personnel  
16 or units for new or additional mission requirements.

17           (7) A description of the current policy of the  
18 Army and the Marine Corps with respect to the mo-  
19 bilization of reserve component personnel, together  
20 with an analysis of the number of reserve component  
21 personnel in each of the Army and the Marine Corps  
22 that are projected to be available for deployment  
23 under such policy.

1 (c) FORM OF REPORT.—Any report submitted under  
2 subsection (a) shall be submitted in both classified and  
3 unclassified form.

4 **SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON**  
5 **HUMAN EXPOSURE TO CONTAMINATED**  
6 **DRINKING WATER AT CAMP LEJEUNE, NORTH**  
7 **CAROLINA.**

8 (a) STUDY REQUIRED.—

9 (1) IN GENERAL.—Not later than 60 days after  
10 the date of the enactment of this Act, the Secretary  
11 of Navy shall enter into an agreement with the Na-  
12 tional Academy of Sciences to conduct a comprehen-  
13 sive review and evaluation of the available scientific  
14 and medical evidence regarding associations between  
15 pre-natal, child, and adult exposure to drinking  
16 water contaminated with trichloroethylene (TCE)  
17 and tetrachloroethylene (PCE) at Camp Lejeune,  
18 North Carolina, as well as other pre-natal, child, and  
19 adult exposures to levels of trichloroethylene and  
20 tetrachloroethylene similar to those experienced at  
21 Camp Lejeune, and birth defects or diseases and any  
22 other adverse health effects.

23 (2) ELEMENTS.—In conducting the review and  
24 evaluation, the Academy shall review and summarize  
25 the scientific and medical evidence and assess the

1 strength of that evidence in establishing a link or as-  
2 sociation between exposure to trichloroethylene and  
3 tetrachloroethylene and each birth defect or disease  
4 suspected to be associated with such exposure. For  
5 each birth defect or disease reviewed, the Academy  
6 shall determine, to the extent practicable with avail-  
7 able scientific and medical data, whether—

8 (A) a statistical association with such con-  
9 taminant exposures exists; and

10 (B) there exist plausible biological mecha-  
11 nisms or other evidence of a causal relationship  
12 between contaminant exposures and the birth  
13 defect or disease.

14 (3) SCOPE OF REVIEW.—In conducting the re-  
15 view and evaluation, the Academy shall include a re-  
16 view and evaluation of—

17 (A) the toxicologic and epidemiologic lit-  
18 erature on adverse health effects of trichloro-  
19 ethylene and tetrachloroethylene, including epi-  
20 demologic and risk assessment reports from  
21 government agencies;

22 (B) recent literature reviews by the Na-  
23 tional Research Council, Institute of Medicine,  
24 and other groups;

1 (C) the completed and on-going Agency for  
2 Toxic Substances Disease Registry (ATSDR)  
3 studies on potential trichloroethylene and  
4 tetrachloroethylene exposure at Camp Lejeune;  
5 and

6 (D) published meta-analyses.

7 (4) PEER REVIEW.—The Academy shall obtain  
8 the peer review of the report prepared as a result of  
9 the review and evaluation under applicable Academy  
10 procedures.

11 (5) SUBMITTAL.—The Academy shall submit  
12 the report prepared as a result of the review and  
13 evaluation to the Secretary and Congress not later  
14 than 18 months after entering into the agreement  
15 for the review and evaluation under paragraph (1).

16 (b) NOTICE ON EXPOSURE.—

17 (1) NOTICE REQUIRED.—Upon completion of  
18 the current epidemiological study by the Agency for  
19 Toxic Substances Disease Registry, known as the  
20 Exposure to Volatile Organic Compounds in Drink-  
21 ing Water and Specific Birth Defects and Childhood  
22 Cancers, United States Marine Corps Base Camp  
23 Lejeune, North Carolina, the Commandant of the  
24 Marine Corps shall take appropriate actions, includ-  
25 ing the use of national media such as newspapers,

1 television, and the Internet, to notify former Camp  
2 Lejeune residents and employees who may have been  
3 exposed to drinking water impacted by trichloro-  
4 ethylene and tetrachloroethylene of the results of the  
5 study.

6 (2) ELEMENTS.—The information provided by  
7 the Commandant of the Marine Corps under para-  
8 graph (1) shall be prepared in conjunction with the  
9 Agency for Toxic Substances Disease Registry and  
10 shall include a description of sources of additional  
11 information relating to such exposure, including, but  
12 not be limited to, the following:

13 (A) A description of the events resulting in  
14 exposure to contaminated drinking water at  
15 Camp Lejeune.

16 (B) A description of the duration and ex-  
17 tent of the contamination of drinking water at  
18 Camp Lejeune.

19 (C) The known and suspected health ef-  
20 fects of exposure to the drinking water im-  
21 pacted by trichloroethylene and  
22 tetrachloroethylene at Camp Lejeune.

1 **SEC. 353. REPORT ON AERIAL TRAINING AIRSPACE RE-**  
2 **QUIREMENTS OF THE DEPARTMENT OF DE-**  
3 **FENSE.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) Access to and use of available and unfet-  
7 tered aerial training airspace is critical for pre-  
8 serving aircrew warfighting proficiency and the abil-  
9 ity to test, evaluate, and improve capabilities of both  
10 personnel and equipment within the most realistic  
11 training environments possible.

12 (2) The growth of civilian and commercial avia-  
13 tion traffic and the rapid expansion of commercial  
14 and general air traffic lanes across the continental  
15 United States has left few remaining areas of the  
16 country available for realistic air combat training or  
17 expansion of existing training areas.

18 (3) Many Military Operating Areas (MOAs)  
19 originally established in what was once open and  
20 uncongested airspace are now encroached upon by a  
21 heavy volume of commercial and general air traffic,  
22 making training more difficult and potentially haz-  
23 ardous.

24 (4) Some aerial training areas in the upper  
25 great plains, western States, and Gulf coast remain  
26 largely free from encroachment and available for in-

1        creased use, expansion, and preservation for the fu-  
2        ture.

3        (b) SENSE OF CONGRESS.—It is the sense of Con-  
4        gress that the Department of Defense should—

5            (1) establish a policy to identify military aerial  
6        training areas that are projected to remain viable  
7        and free from encroachment well into the 21st cen-  
8        tury;

9            (2) determine aerial training airspace require-  
10        ments to meet future training and airspace require-  
11        ments of current and next generation military air-  
12        craft; and

13            (3) undertake all necessary actions in a timely  
14        manner, including coordination with the Federal  
15        Aviation Administration, to preserve and, if nec-  
16        essary, expand those areas of airspace to meet  
17        present and future training requirements.

18        (c) REPORT.—Not later than 120 days after the date  
19        of the enactment of this Act, the Secretary of Defense  
20        shall submit to the congressional defense committees a re-  
21        port setting forth a proposed plan to preserve and, if nec-  
22        essary, expand available aerial training airspace to meet  
23        the projected needs of the Department of Defense for such  
24        airspace through 2025.



1 **SEC. 354. REPORT ON ACTIONS TO REDUCE DEPARTMENT**  
2 **OF DEFENSE CONSUMPTION OF PETROLEUM-**  
3 **BASED FUEL.**

4 (a) **REPORT REQUIRED.**—Not later than one year  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense shall submit to the Committees on Armed Serv-  
7 ices of the Senate and the House of Representatives a re-  
8 port on the actions taken, and to be taken, by the Depart-  
9 ment of Defense to reduce the consumption by the Depart-  
10 ment of petroleum-based fuel.

11 (b) **ELEMENTS.**—The report shall include the status  
12 of implementation by the Department of the requirements  
13 of the following:

14 (1) The Energy Policy Act of 2005 (Public Law  
15 109–58).

16 (2) The Energy Policy Act of 1992. (Public  
17 Law 102–486)

18 (3) Executive Order 13123.

19 (4) Executive Order 13149.

20 (5) Any other law, regulation, or directive relat-  
21 ing to the consumption by the Department of petro-  
22 leum-based fuel.

1 **SEC. 355. REPORTS ON WITHDRAWAL OR DIVERSION OF**  
2 **EQUIPMENT FROM RESERVE UNITS FOR SUP-**  
3 **PORT OF RESERVE UNITS BEING MOBILIZED**  
4 **AND OTHER UNITS.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The National Guard continues to provide  
8 invaluable resources to meet national security, home-  
9 land defense, and civil emergency mission require-  
10 ments.

11 (2) Current military operations, transnational  
12 threats, and domestic emergencies will increase the  
13 use of the National Guard for both military support  
14 to civilian authorities and to execute the military  
15 strategy of the United States.

16 (3) To meet the demand for certain types of  
17 equipment for continuing United States military op-  
18 erations, the Army has required Army National  
19 Guard Units to leave behind many items for use by  
20 follow-on forces.

21 (4) The Governors of every State and 2 Terri-  
22 tories expressed concern in February 2006 that  
23 units returning from deployment overseas without  
24 adequate equipment would have trouble carrying out  
25 their homeland security and domestic disaster du-  
26 ties.

1           (5) The Department of Defense estimates that  
2           it has directed the Army National Guard to leave  
3           overseas more than 75,000 items valued at approxi-  
4           mately \$1,760,000,000 to support Operation Endur-  
5           ing Freedom and Operation Iraqi Freedom.

6           (6) Department of Defense Directive 1225.6 re-  
7           quires a replacement and tracking plan be developed  
8           within 90 days for equipment of the reserve compo-  
9           nents of the Armed Forces that is transferred to the  
10          active components of the Armed Forces.

11          (7) In October 2005, the Government Account-  
12          ability Office found that the Department of Defense  
13          can only account for about 45 percent of such equip-  
14          ment and has not developed a plan to replace such  
15          equipment.

16          (8) The Government Accountability Office also  
17          found that without a completed and implemented  
18          plan to replace all National Guard equipment left  
19          overseas, Army National Guard units will likely face  
20          growing equipment shortages and challenges in re-  
21          gaining readiness for future missions.

22          (b) REPORTS ON WITHDRAWAL OR DIVERSION OF  
23          EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF  
24          RESERVE UNITS BEING MOBILIZED AND OTHER  
25          UNITS.—

1           (1) IN GENERAL.—Chapter 1007 of title 10,  
 2           United States Code, is amended by inserting after  
 3           section 10208 the following new section:

4   **“§ 10208a. Mobilization: reports on withdrawal or di-**  
 5                   **version of equipment from Reserve units**  
 6                   **for support of Reserve units being mobi-**  
 7                   **lized and other units**

8           “(a) REPORT REQUIRED ON WITHDRAWAL OR DI-  
 9           VERSION OF EQUIPMENT.—Not later than 90 days after  
 10          withdrawing or diverting equipment from a unit of the Re-  
 11          serve to a unit of the Reserve being ordered to active duty  
 12          under section 12301, 12302, or 12304 of this title, or to  
 13          a unit or units of a regular component of the armed forces,  
 14          for purposes of the discharge of the mission of such unit  
 15          or units, the Secretary concerned shall submit to the Sec-  
 16          retary of Defense a status report on the withdrawal or  
 17          diversion of equipment.

18          “(b) ELEMENTS.—Each status report under sub-  
 19          section (a) on equipment withdrawn or diverted shall in-  
 20          clude the following:

21               “(1) A plan to recapitalize or replace such  
 22          equipment within the unit from which withdrawn or  
 23          diverted.

24               “(2) If such equipment is to remain in a the-  
 25          ater of operations while the unit from which with-

1 drawn or diverted returns to the United States, a  
 2 plan to provide such unit with recapitalized or re-  
 3 placement equipment appropriate to ensure the con-  
 4 tinuation of the readiness training of such unit.

5 “(3) A signed memorandum of understanding  
 6 between the active or reserve component to which  
 7 withdrawn or diverted and the reserve component  
 8 from which withdrawn or diverted that specifies—

9 “(A) how such equipment will be tracked;  
 10 and

11 “(B) when such equipment will be returned  
 12 to the component from which withdrawn or di-  
 13 verted.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-  
 15 tions at the beginning of chapter 1007 of such title  
 16 is amended by inserting after the item relating to  
 17 section 10208 the following new item:

“10208a. Mobilization: reports on withdrawal or diversion of equipment from  
 Reserve units for support of Reserve units being mobilized and  
 other units.”.

18 **SEC. 356. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR**  
 19 **DIVERTED FROM THE RESERVE COMPO-**  
 20 **NENTS OF THE ARMED FORCES FOR OPER-**  
 21 **ATION IRAQI FREEDOM OR OPERATION EN-**  
 22 **DURING FREEDOM.**

23 (a) PLAN REQUIRED.—Not later than 90 days after  
 24 the date of the enactment of this Act, the Secretary shall

1 submit to the congressional defense committees a plan to  
 2 replace equipment withdrawn or diverted from units of the  
 3 reserve components of the Armed Forces for use in Oper-  
 4 ation Iraqi Freedom or Operation Enduring Freedom.

5 (b) ELEMENTS.—The plan required by subsection (a)  
 6 shall—

7 (1) identify the equipment to be recapitalized or  
 8 acquired to replace the equipment described in sub-  
 9 section (a);

10 (2) specify a schedule for recapitalizing or ac-  
 11 quiring the equipment identified under paragraph  
 12 (1), which schedule shall take into account applica-  
 13 ble depot workload and acquisition considerations,  
 14 including production capacity and current produc-  
 15 tion schedules; and

16 (3) specify the funding to be required to recapiti-  
 17 talize or acquire the equipment identified under  
 18 paragraph (1).

19 **SEC. 357. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR**  
 20 **DIVERTED FROM THE RESERVE COMPO-**  
 21 **NENTS OF THE ARMED FORCES FOR OPER-**  
 22 **ATION IRAQI FREEDOM OR OPERATION EN-**  
 23 **DURING FREEDOM.**

24 (a) PLAN REQUIRED.—Not later than 90 days after  
 25 the date of the enactment of this Act, the Secretary shall

1 submit to the congressional defense committees a plan to  
 2 replace equipment withdrawn or diverted from units of the  
 3 reserve components of the Armed Forces for use in Oper-  
 4 ation Iraqi Freedom or Operation Enduring Freedom.

5 (b) ELEMENTS.—The plan required by subsection (a)  
 6 shall—

7 (1) identify the equipment to be recapitalized or  
 8 acquired to replace the equipment described in sub-  
 9 section (a);

10 (2) specify a schedule for recapitalizing or ac-  
 11 quiring the equipment identified under paragraph  
 12 (1), which schedule shall take into account applica-  
 13 ble depot workload and acquisition considerations,  
 14 including production capacity and current produc-  
 15 tion schedules; and

16 (3) specify the funding to be required to recapiti-  
 17 talize or acquire the equipment identified under  
 18 paragraph (1).

19 **SEC. 358. REPORT ON VEHICLE-BASED ACTIVE PROTEC-**  
 20 **TION SYSTEMS FOR CERTAIN BATTLEFIELD**  
 21 **THREATS.**

22 (a) INDEPENDENT ASSESSMENT.—The Secretary of  
 23 Defense shall enter into a contract with an appropriate  
 24 entity independent of the United States Government to  
 25 conduct an assessment of various foreign and domestic

1 technological approaches to vehicle-based active protection  
2 systems for defense against both chemical energy and ki-  
3 netic energy top-attack and direct fire threats, including  
4 anti-tank missiles and rocket propelled grenades, mortars,  
5 and other similar battlefield threats.

6 (b) REPORT.—

7 (1) REPORT REQUIRED.—The contract required  
8 by subsection (a) shall require the entity entering in  
9 to such contract to submit to the Secretary of De-  
10 fense, and to the congressional defense committees,  
11 not later than 180 days after the date of the enact-  
12 ment of this Act, a report on the assessment re-  
13 quired by that subsection.

14 (2) ELEMENTS.—The report required under  
15 paragraph (1) shall include—

16 (A) a detailed comparative analysis and as-  
17 sessment of the technical approaches covered by  
18 the assessment under subsection (a), including  
19 the feasibility, military utility, cost, and poten-  
20 tial short-term and long-term development and  
21 deployment schedule of such approaches; and

22 (B) any other elements specified by the  
23 Secretary in the contract under subsection (a).



1 **SEC. 359. REPORT ON HIGH ALTITUDE AVIATION TRAINING**

2 **SITE, EAGLE COUNTY, COLORADO.**

3 (a) REPORT REQUIRED.—Not later than December  
4 15, 2006, the Secretary of the Army shall submit to the  
5 congressional defense committees a report on the High Al-  
6 titude Aviation Training Site (HAATS) in Eagle County,  
7 Colorado.

8 (b) ELEMENTS.—The report required by subsection  
9 (a) shall include the following:

10 (1) A description of the type of high altitude  
11 aviation training being conducted at the High Alti-  
12 tude Aviation Training Site, including the number of  
13 pilots who receive such training on an annual basis  
14 and the types of aircraft used in such training.

15 (2) A description of the number and type of  
16 helicopters required at the High Altitude Aviation  
17 Training Site to provide the high altitude aviation  
18 training needed to sustain the war strategies con-  
19 tained in the 2006 Quadrennial Defense Review, as-  
20 suming that priority is afforded in the provision of  
21 such training to commanders, instructor pilots, avia-  
22 tion safety officers, and deploying units.

23 (3) A thorough evaluation of accident rates for  
24 deployed helicopter pilots of the Army who receive  
25 high altitude aviation training at the High Altitude  
26 Aviation Training Site, and accident rates for de-

1       ployed Army helicopter pilots who did not receive  
2       such training, including the following:

3               (A) An estimate (set forth as a range) of  
4               the number of accidents attributable to power  
5               management.

6               (B) The number of accidents occurring in  
7               a combat environment.

8               (C) The number of accidents occurring in  
9               a non-combat environment.

10              (4) An evaluation of the inventory and avail-  
11              ability of Army aircraft for purposes of establishing  
12              an appropriate schedule for the assignment of a  
13              CH-47 aircraft to the High Altitude Aviation Train-  
14              ing Site, if the Chief of Staff of the Army deter-  
15              mines there is value in conducting such training at  
16              the HAATS.

17              (5) A description of the status of any efforts to  
18              ensure that all helicopter aircrews deployed to the  
19              area of responsibility of the Central Command  
20              (CENTCOM AOR) are qualified in mountain flight  
21              and power management prior to deployment, includ-  
22              ing the locations where such training occurred, with  
23              particular focus on the status of such efforts with  
24              respect to aircrews to be deployed in support of Op-  
25              eration Enduring Freedom.

1       (c) TRACKING SYSTEM.—The Secretary shall imple-  
 2       ment a system for tracking those pilots that have attended  
 3       a school with an established program of instruction for  
 4       high altitude aviation operations training. The system  
 5       should, if practical, utilize an existing system that permits  
 6       the query of pilot flight experience and training.

7       **SEC. 360. REPORT ON AIR FORCE SAFETY REQUIREMENTS**  
 8                               **FOR AIR FORCE FLIGHT TRAINING OPER-**  
 9                               **ATIONS AT PUEBLO MEMORIAL AIRPORT,**  
 10                              **COLORADO.**

11       (a) REPORT REQUIRED.—Not later than February  
 12       15, 2007, the Secretary of the Air Force shall submit to  
 13       the congressional defense committees a report on Air  
 14       Force safety requirements for Air Force flight training op-  
 15       erations at Pueblo Memorial Airport, Colorado.

16       (b) ELEMENTS.—The report required by subsection  
 17       (a) shall include the following:

18               (1) A description of the Air Force flying oper-  
 19       ations at Pueblo Memorial Airport.

20               (2) An assessment of the impact of Air Force  
 21       operations at Pueblo Memorial Airport on non-Air  
 22       Force activities at the airport.

23               (3) A description of the requirements necessary  
 24       at Pueblo Memorial Airport to ensure safe Air Force  
 25       flying operations, including continuous availability of

1 fire protection, crash rescue, and other emergency  
2 response capabilities.

3 (4) An assessment of the necessity of providing  
4 for a continuous fire-fighting capability at Pueblo  
5 Memorial Airport.

6 (5) A description and analysis of alternatives  
7 for Air Force flying operations at Pueblo Memorial  
8 Airport, including the cost and availability of such  
9 alternatives.

10 (6) An assessment of whether Air Force fund-  
11 ing is required to assist the City of Pueblo, Colo-  
12 rado, in meeting Air Force requirements for safe Air  
13 Force flight operations at Pueblo Memorial Airport,  
14 and if required, the Air Force plan to provide the  
15 funds to the city.

16 **SEC. 360A. REPORT ON USE OF ALTERNATIVE FUELS BY**  
17 **THE DEPARTMENT OF DEFENSE.**

18 (a) STUDY.—The Secretary of Defense shall conduct  
19 a study on the use of alternative fuels by the Armed  
20 Forces and the Defense Agencies, including any measures  
21 that can be taken to increase the use of such fuels by the  
22 Department of Defense and the Defense Agencies.

23 (b) ELEMENTS.—The study shall address each mat-  
24 ter set forth in paragraphs (1) through (7) of section  
25 357(b) of the National Defense Authorization Act for Fis-

1 cal Year 2006 (Public Law 109–163; 119 Stat. 3207) with  
 2 respect to alternative fuels (rather than to the fuels speci-  
 3 fied in such paragraphs).

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days  
 6 after the date of the enactment of this Act, the Sec-  
 7 retary shall submit to the Committees on Armed  
 8 Services of the Senate and the House of Representa-  
 9 tives a report on the study conducted under this sec-  
 10 tion.

11 (2) MANNER OF SUBMITTAL.—The report re-  
 12 quired by this subsection may be incorporated into,  
 13 or provided as an annex to, the study required by  
 14 section 357(c) of the National Defense Authorization  
 15 Act for Fiscal Year 2006.

16 (d) ALTERNATIVE FUELS DEFINED.—In this section,  
 17 the term “alternative fuels” means biofuels, biodiesel, re-  
 18 newable diesel, ethanol that contain less than 85 percent  
 19 ethyl alcohol, and cellulosic ethanol.

1     **Subtitle E—Workplace and Depot**  
 2                     **Issues**

3     **SEC. 361. MINIMUM CAPITAL INVESTMENT LEVELS FOR**  
 4                     **PUBLIC DEPOTS SERVICED BY WORKING**  
 5                     **CAPITAL FUNDS.**

6             (a) MINIMUM INVESTMENT LEVELS.—Section 2208  
 7 of title 10, United States Code, is amended by adding at  
 8 the end the following new subsection:

9             “(s) MINIMUM CAPITAL INVESTMENT FOR PUBLIC  
 10 DEPOTS SERVICED BY WORKING CAPITAL FUNDS.—(1)  
 11 Each public depot that is serviced by a working capital  
 12 fund shall invest in its capital budget each fiscal year an  
 13 amount equal to not less than six percent of the actual  
 14 total revenue of the public depot for the previous fiscal  
 15 year.

16             “(2) The Secretary of Defense may waive the require-  
 17 ment in paragraph (1) with respect to a particular public  
 18 depot for a fiscal year if the Secretary determines that  
 19 the waiver is necessary for reasons of national security and  
 20 notifies the congressional defense committees of the rea-  
 21 sons for the waiver.

22             “(3)(A) Each year, not later than 45 days after the  
 23 President submits to Congress the budget for a fiscal year  
 24 under section 1105 of title 31, the Secretary shall submit  
 25 to the congressional defense committees budget justifica-

1 tion documents summarizing the level of capital invest-  
 2 ment at each public depot serviced by working capital  
 3 funds as of the end of the previous fiscal year.

4 “(B) Each report under this paragraph shall include  
 5 the following:

6 “(i) A specification of the statutory, regulatory,  
 7 or operational impediments, if any, to achieving the  
 8 requirement in paragraph (1) with respect to each  
 9 public depot described in that paragraph.

10 “(ii) A description of the benchmarks estab-  
 11 lished by each public depot and working capital fund  
 12 for capital investment and the relationship of the  
 13 benchmarks to applicable performance measurement  
 14 methods used in the private sector.

15 “(iii) If the requirement set out in paragraph  
 16 (1) is not met for any public depot in the previous  
 17 fiscal year, a statement of the reasons why and a  
 18 plan of actions to meet the requirement for such  
 19 public depot in the fiscal year beginning in the year  
 20 in which such report is submitted.

21 “(4) In this subsection, the terms ‘total revenue’ and  
 22 ‘capital budget’ have the meaning given such terms in De-  
 23 partment of Defense Financial Management Regulation  
 24 7000.14–R of June 2004.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 this section shall take effect on the date of the enactment  
 3 of this Act, and shall apply with respect to fiscal years  
 4 beginning on or after that date.

5 **SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT**  
 6 **EXPENDITURES FROM PERCENTAGE LIMITA-**  
 7 **TION ON THE PERFORMANCE OF DEPOT-**  
 8 **LEVEL MAINTENANCE.**

9 Section 2474(f)(1) of title 10, United States Code,  
 10 is amended by striking “entered into during fiscal years  
 11 2003 through 2009”.

12 **SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON**  
 13 **CONTRACTOR PERFORMANCE OF FIRE-**  
 14 **FIGHTING FUNCTIONS.**

15 Section 2465(b) of title 10, United States Code, is  
 16 amended by adding at the end the following new para-  
 17 graph:

18 “(5) A contract for the performance of fire-  
 19 fighting functions to—

20 “(A) fight wildland fires such as range or  
 21 forest fires; and

22 “(B) perform wildland fire management,  
 23 including the conduct of hazardous fuels treat-  
 24 ments to reduce wildland fire risks (including  
 25 prescribed fire and mechanical treatments).”.



1 **SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR**  
2 **CERTAIN WORK CAUSED BY REALIGNMENT**  
3 **OF MILITARY INSTALLATIONS UNDER THE**  
4 **BASE CLOSURE LAWS.**

5 (a) **AUTHORITY FOR TEMPORARY SERVICES.**—Not-  
6 withstanding section 2465 of title 10, United States Code,  
7 the Secretary of the military department concerned may,  
8 for a period not to exceed one year at any single military  
9 installation, contract for security guard services at mili-  
10 tary installations approved for realignment under a base  
11 closure law when such services are required for the safe  
12 and secure relocation of either of the following:

13 (1) Military munitions and munitions-related  
14 equipment.

15 (2) High-value items in temporary storage  
16 areas.

17 (b) **DEFINITIONS.**—In this section:

18 (1) The term “base closure law” has the mean-  
19 ing given such term in section 101(a)(17) of title 10,  
20 United States Code.

21 (2) The term “military munitions” has the  
22 meaning given such term in section 101(e)(4) of title  
23 10, United States Code.

24 (c) **EXPIRATION.**—The authority to enter into a con-  
25 tract under subsection (a) shall expire on September 15,  
26 2011.

## 1           **Subtitle F—Other Matters**

### 2   **SEC. 371. RECYCLING OF MILITARY MUNITIONS.**

3           (a) IN GENERAL.—Chapter 443 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

#### 6   **“§ 4690. Sale of recyclable munitions materials**

7           “(a) AUTHORITY FOR PROGRAM.—(1) The Secretary  
8 of the Army may carry out a program to—

9                   “(A) sell recyclable munitions materials result-  
10 ing from the demilitarization of conventional mili-  
11 tary munitions; and

12                   “(B) use the proceeds of sale for reclamation,  
13 recycling, and reuse of conventional military muni-  
14 tions.

15           “(2) The program authorized by this section may be  
16 known as the ‘Military Munitions Recycling Program’.

17           “(b) GEOGRAPHIC LIMITATION.—The program au-  
18 thorized by subsection (a) may only be carried out in the  
19 United States and its possessions.

20           “(c) METHOD OF SALE.—(1) Except as provided in  
21 paragraph (2), the Secretary shall use competitive proce-  
22 dures to sell recyclable munitions materials under the pro-  
23 gram authorized by this section.

24           “(2) The Secretary may use procedures other than  
25 competitive procedures to sell recyclable munitions mate-

1 rials under the program authorized by this section in any  
2 case in which the Secretary determines there is only one  
3 potential buyer of the items being offered for sale.

4 “(3) The provisions of title 40 concerning disposal  
5 of property are not applicable to sales of materials under  
6 the program authorized by this section.

7 “(d) USE OF PROCEEDS.—(1) Proceeds from the sale  
8 of recyclable munitions materials under the program au-  
9 thorized by this section shall be credited to the Ammuni-  
10 tion Demilitarization Account within the Procurement of  
11 Ammunition, Army, Account.

12 “(2) Amounts credited to the Ammunition Demili-  
13 tarization Account under paragraph (1) shall be available  
14 solely for purposes of reclamation, recycling, and reuse of  
15 conventional military munitions, including for research  
16 and development for such purposes and for the procure-  
17 ment of equipment for such purposes.

18 “(3) Funds credited to the Ammunition Demilitariza-  
19 tion Account under paragraph (1) in a fiscal year shall  
20 be available for obligation under paragraph (2) during the  
21 fiscal year in which the funds are so credited and for three  
22 fiscal years thereafter.

23 “(4) Funds credited to the Ammunition Demilitariza-  
24 tion Account under paragraph (1) that are not obligated  
25 under paragraph (2) within the period of availability

1 under paragraph (3) shall, at the end of such period, be  
 2 deposited into the Treasury as miscellaneous receipts.

3 “(e) REGULATIONS.—The Secretary shall prescribe  
 4 regulations on the operation of the program authorized by  
 5 this section. The regulations shall be consistent with the  
 6 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and  
 7 any regulations prescribed thereunder.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 443 of such title is amended  
 10 by adding at the end the following new item:

“4690. Sale of recyclable munitions materials.”.

11 **SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILI-**  
 12 **TARIZATION CONTRACTS.**

13 (a) IN GENERAL.—

14 (1) AUTHORITY TO INCLUDE CLAUSES IN CON-  
 15 TRACTS.—The Secretary of Defense may, for the  
 16 purpose specified in paragraph (2), authorize the in-  
 17 clusion of an incentives clause in any contract for  
 18 the destruction of the United States stockpile of le-  
 19 thal chemical agents and munitions carried out pur-  
 20 suant to section 1412 of the Department of Defense  
 21 Authorization Act, 1986 (50 U.S.C. 1521).

22 (2) PURPOSE.—The purpose of a clause re-  
 23 ferred to in paragraph (1) is to provide the con-  
 24 tractor for a chemical demilitarization facility an in-  
 25 centive to accelerate the safe elimination of the

1 United States chemical weapons stockpile and to re-  
2 duce the total cost of the Chemical Demilitarization  
3 Program by providing incentive payments for the  
4 early completion of destruction operations and the  
5 closure of such facility.

6 (b) INCENTIVES CLAUSES.—

7 (1) IN GENERAL.—An incentives clause under  
8 this section shall permit the contractor for the chem-  
9 ical demilitarization facility concerned the oppor-  
10 tunity to earn incentive payments for the completion  
11 of destruction operations and facility closure activi-  
12 ties within target incentive ranges specified in such  
13 clause.

14 (2) LIMITATION ON INCENTIVE PAYMENTS.—  
15 The maximum incentive payment under an incen-  
16 tives clause with respect to a chemical demilitariza-  
17 tion facility may not exceed amounts as follows:

18 (A) In the case of an incentive payment for  
19 the completion of destruction operations within  
20 the target incentive range specified in such  
21 clause, \$110,000,000.

22 (B) In the case of an incentive payment  
23 for the completion of facility closure activities  
24 within the target incentive range specified in  
25 such clause, \$55,000,000.

1           (3) TARGET RANGES.—An incentives clause in  
2       a contract under this section shall specify the target  
3       incentive ranges of costs for completion of destruc-  
4       tion operations and facility closure activities, respec-  
5       tively, as jointly agreed upon by the contracting offi-  
6       cer and the contractor concerned. An incentives  
7       clause shall require a proportionate reduction in the  
8       maximum incentive payment amounts in the event  
9       that the contractor exceeds an agreed-upon target  
10      cost if such excess costs are the responsibility of the  
11      contractor.

12           (4) CALCULATION OF INCENTIVE PAYMENTS.—  
13      The amount of the incentive payment earned by a  
14      contractor for a chemical demilitarization facility  
15      under an incentives clause under this section shall  
16      be based upon a determination by the Secretary on  
17      how early in the target incentive range specified in  
18      such clause destruction operations or facility closure  
19      activities, as the case may be, are completed.

20           (5) CONSISTENCY WITH EXISTING OBLIGA-  
21      TIONS.—The provisions of any incentives clause  
22      under this section shall be consistent with the obli-  
23      gation of the Secretary of Defense under section  
24      1412(c)(1)(A) of the Department of Defense Au-  
25      thorization Act, 1986 to provide for maximum pro-

1       tection for the environment, the general public, and  
2       the personnel who are involved in the destruction of  
3       the lethal chemical agents and munitions.

4           (6) ADDITIONAL TERMS AND CONDITIONS.—In  
5       negotiating the inclusion of an incentives clause in  
6       a contract under this section, the Secretary may in-  
7       clude in such clause such additional terms and con-  
8       ditions as the Secretary considers appropriate.

9       (c) ADDITIONAL LIMITATION ON PAYMENTS.—

10           (1) PAYMENT CONDITIONAL ON PERFORM-  
11       ANCE.—No payment may be made under an incen-  
12       tives clause under this section unless the Secretary  
13       determines that the contractor concerned has satis-  
14       factorily performed its duties under such incentives  
15       clause.

16           (2) PAYMENT CONTINGENT ON APPROPRIA-  
17       TIONS.—An incentives clause under this section shall  
18       specify that the obligation of the Government to  
19       make payment under such incentives clause is sub-  
20       ject to the availability of appropriations for that pur-  
21       pose. Amounts appropriated for Chemical Agents  
22       and Munitions Destruction, Defense, shall be avail-  
23       able for payments under incentives clauses under  
24       this section.

1 **SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELE-**  
 2 **COMMUNICATIONS BENEFIT PROGRAM.**

3 (a) TERMINATION AT END OF CONTINGENCY OPER-  
 4 ATION.—Subsection (c) of section 344 of the National De-  
 5 fense Authorization Act for Fiscal Year 2004 (Public Law  
 6 108–136; 117 Stat. 1449), as amended by section 341 of  
 7 the Ronald W. Reagan National Defense Authorization  
 8 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 9 1857), is further amended by striking “terminate on Sep-  
 10 tember 30, 2006” and inserting “terminate with respect  
 11 to a contingency operation on the date that is 60 days  
 12 after the date on which the Secretary determines that the  
 13 contingency operation has ended”.

14 (b) APPLICATION TO OTHER CONTINGENCY OPER-  
 15 ATIONS.—Such section is further amended—

16 (1) in subsection (a), by striking “Operation  
 17 Iraqi Freedom and Operation Enduring Freedom”  
 18 and inserting “a contingency operation”; and

19 (2) by adding at the end the following new sub-  
 20 section:

21 “(g) CONTINGENCY OPERATION DEFINED.—In this  
 22 section, the term ‘contingency operation’ has the meaning  
 23 given that term in section 101(a)(13) of title 10, United  
 24 States Code. The term includes Operation Iraqi Freedom  
 25 and Operation Enduring Freedom.”.



1       (c) EXTENSION TO HOSPITALIZED MEMBERS.—Sub-  
2 section (a) of such section is further amended—

3           (1) by striking “As soon as possible after the  
4 date of the enactment of this Act, the” and inserting  
5 “The”; and

6           (2) by adding at the end the following new sen-  
7 tence: “As soon as possible after the date of the en-  
8 actment of the National Defense Authorization Act  
9 for Fiscal Year 2007, the Secretary shall extend  
10 such telecommunications benefit to members of the  
11 Armed Forces who, although no longer covered by  
12 the preceding sentence, are hospitalized as a result  
13 of wounds or other injuries incurred while serving in  
14 direct support of a contingency operation.”.

15       (d) REPORT ON IMPLEMENTATION OF MODIFIED  
16 BENEFITS.—Not later than 90 days after the date of the  
17 enactment of this Act, the Secretary of Defense shall sub-  
18 mit to the congressional defense committees a report de-  
19 scribing the status of the efforts of the Department of De-  
20 fense to implement the modifications of the Department  
21 of Defense telecommunications benefit required by section  
22 344 of the National Defense Authorization Act for Fiscal  
23 Year 2004 that result from the amendments made by this  
24 section.

1 **SEC. 374. EXTENSION OF AVAILABILITY OF FUNDS FOR**  
 2 **COMMEMORATION OF SUCCESS OF THE**  
 3 **ARMED FORCES IN OPERATION ENDURING**  
 4 **FREEDOM AND OPERATION IRAQI FREEDOM.**

5 Section 378(b)(2) of the National Defense Authoriza-  
 6 tion Act for Fiscal Year 2006 (Public Law 109–163; 119  
 7 Stat. 3214) is amended by striking “fiscal year 2006” and  
 8 inserting “fiscal years 2006 and 2007”.

9 **SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.**

10 (a) **POLICY.**—It shall be the policy of the Department  
 11 of Defense to improve the fuel efficiency of weapons plat-  
 12 forms, consistent with mission requirements, in order to—

- 13 (1) enhance platform performance;
- 14 (2) reduce the size of the fuel logistics systems;
- 15 (3) reduce the burden high fuel consumption
- 16 places on agility;
- 17 (4) reduce operating costs; and
- 18 (5) dampen the financial impact of volatile oil
- 19 prices.

20 (b) **REPORT REQUIRED.**—

- 21 (1) **IN GENERAL.**—Not later than one year
- 22 after the date of the enactment of this Act, the Sec-
- 23 retary of Defense shall submit to the congressional
- 24 defense committees a report on the progress of the
- 25 Department of Defense in implementing the policy
- 26 established by subsection (a).

1           (2) ELEMENTS.—The report shall include the  
2 following:

3           (A) An assessment of the feasibility of des-  
4 ignating a senior Department of Defense offi-  
5 cial to be responsible for implementing the pol-  
6 icy established by subsection (a).

7           (B) A summary of the recommendations  
8 made as of the time of the report by—

9           (i) the Energy Security Integrated  
10 Product Team established by the Secretary  
11 of Defense in April 2006;

12           (ii) the Defense Science Board Task  
13 Force on Department of Defense Energy  
14 Strategy established by the Under Sec-  
15 retary of Defense for Acquisition, Tech-  
16 nology and Logistics on May 2, 2006; and

17           (iii) the January 2001 Defense  
18 Science Board Task Force report on Im-  
19 proving Fuel Efficiency of Weapons Plat-  
20 forms.

21           (C) For each recommendation summarized  
22 under subparagraph (B)—

23           (i) the steps that the Department has  
24 taken to implement such recommendation;

1 (ii) any additional steps the Depart-  
 2 ment plans to take to implement such rec-  
 3 ommendation; and

4 (iii) for any recommendation that the  
 5 Department does not plan to implement,  
 6 the reasons for the decision not to imple-  
 7 ment such recommendation.

8 (D) An assessment of the extent to which  
 9 the research, development, acquisition, and lo-  
 10 gistics guidance and directives of the Depart-  
 11 ment for weapons platforms are appropriately  
 12 designed to address the policy established by  
 13 subsection (a).

14 (E) An assessment of the extent to which  
 15 such guidance and directives are being carried  
 16 out in the research, development, acquisition,  
 17 and logistics programs of the Department.

18 (F) A description of any additional actions  
 19 that, in the view of the Secretary, may be need-  
 20 ed to implement the policy established by sub-  
 21 section (a).

22 **SEC. 376. CHEMICAL DEMILITARIZATION PROGRAM CON-**  
 23 **TRACTING AUTHORITY.**

24 (a) **MULTIYEAR CONTRACTING AUTHORITY.**—The  
 25 Secretary of Defense may carry out responsibilities under

1 section 1412(a) of the Department of Defense Authoriza-  
2 tion Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a))  
3 through multiyear contracts entered into before the date  
4 of the enactment of this Act.

5 (b) AVAILABILITY OF FUNDS.—Contracts entered  
6 into under subsection (a) shall be funded through annual  
7 appropriations for the destruction of chemical agents and  
8 munitions.

9 **SEC. 377. UTILIZATION OF FUEL CELLS AS BACK-UP POWER**  
10 **SYSTEMS IN DEPARTMENT OF DEFENSE OP-**  
11 **ERATIONS.**

12 The Secretary of Defense shall consider the utiliza-  
13 tion of fuel cells as replacements for current back-up  
14 power systems in a variety of Department of Defense oper-  
15 ations and activities, including in telecommunications net-  
16 works, perimeter security, and remote facilities, in order  
17 to increase the operational longevity of back-up power sys-  
18 tems and stand-by power systems in such operations and  
19 activities.

20 **SEC. 378. PREPOSITIONING OF DEPARTMENT OF DEFENSE**  
21 **ASSETS TO IMPROVE SUPPORT TO CIVILIAN**  
22 **AUTHORITIES.**

23 (a) PREPOSITIONING AUTHORIZED.—The Secretary  
24 of Defense may provide for the prepositioning of pre-  
25 packaged or preidentified basic response assets, such as

1 medical supplies, food and water, and communications  
 2 equipment, in order to improve Department of Defense  
 3 support to civilian authorities.

4 (b) REIMBURSEMENT.—To the extent required by  
 5 section 1535 of title 31, United States Code (popularly  
 6 known as the “Economy Act”), or other applicable law,  
 7 the Secretary shall require reimbursement of the Depart-  
 8 ment of Defense for costs incurred in the prepositioning  
 9 of basic response assets under subsection (a).

10 (c) LIMITATION.—Basic response assets may not be  
 11 prepositioned under subsection (a) if the prepositioning of  
 12 such assets will adversely affect the military preparedness  
 13 of the United States.

14 (d) PROCEDURES AND GUIDELINES.—The Secretary  
 15 may develop procedures and guidelines applicable to the  
 16 prepositioning of basic response assets under this section.

17 **SEC. 379. RECOVERY AND AVAILABILITY TO CORPORATION**  
 18 **FOR THE PROMOTION OF RIFLE PRACTICE**  
 19 **AND FIREARMS SAFETY OF CERTAIN FIRE-**  
 20 **ARMS, AMMUNITION, AND PARTS.**

21 (a) IN GENERAL.—Subchapter II of chapter 407 of  
 22 title 36, United States Code, is amended by inserting after  
 23 the item relating to section 40728 the following new sec-  
 24 tion:

1   **“§ 40728A. Recovery and availability of excess fire-**  
2                   **arms, ammunition, and parts granted to**  
3                   **foreign countries**

4       “(a) RECOVERY.—The Secretary of the Army may  
5 recover from any country to which a grant of rifles, ammu-  
6 nition, repair parts, or other supplies described in section  
7 40731(a) of this title is made under section 505 of the  
8 Foreign Assistance Act of 1961 (22 U.S.C. 2314) any  
9 such rifles, ammunition, repair parts, or supplies that are  
10 excess to the needs of such country.

11       “(b) COST OF RECOVERY.—(1) Except as provided  
12 in paragraph (2), the cost of recovery of any rifles, ammu-  
13 nition, repair parts, or supplies under subsection (a) shall  
14 be treated as incremental direct costs incurred in pro-  
15 viding logistical support to the corporation for which reim-  
16 bursement shall be required as provided in section  
17 40727(a) of this title.

18       “(2) The Secretary may require the corporation to  
19 pay costs of recovery described in paragraph (1) in ad-  
20 vance of incurring such costs. Amounts so paid shall not  
21 be subject to the provisions of section 3302 of title 31,  
22 but shall be administered in accordance with the last sen-  
23 tence of section 40727(a) of this title.

24       “(c) AVAILABILITY.—Any rifles, ammunition, repair  
25 parts, or supplies recovered under subsection (a) shall be  
26 available for transfer to the corporation in accordance with

1 the provisions of section 40728 of this title under such  
 2 additional terms and conditions as the Secretary shall pre-  
 3 scribe for purposes of this section.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 at the beginning of chapter 407 of such title is amended  
 6 by inserting after the item relating to section 40728 the  
 7 following new item:

“40728A. Recovery and availability of excess firearms, ammunition, and  
 parts granted to foreign countries.”.

8 **TITLE IV—MILITARY**  
 9 **PERSONNEL AUTHORIZATIONS**  
 10 **Subtitle A—Active Forces**

11 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

12 The Armed Forces are authorized strengths for active  
 13 duty personnel as of September 30, 2007, as follows:

- 14 (1) The Army, 512,400.  
 15 (2) The Navy, 340,700.  
 16 (3) The Marine Corps, 180,000.  
 17 (4) The Air Force, 334,200.

18 **SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END**  
 19 **STRENGTH LEVELS TO SUPPORT TWO MAJOR**  
 20 **REGIONAL CONTINGENCIES.**

21 (a) REPEAL.—Section 691 of title 10, United States  
 22 Code, is repealed.



1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 39 of such title is amended  
 3 by striking the item relating to section 691.

## 4 **Subtitle B—Reserve Forces**

### 5 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

6 (a) IN GENERAL.—The Armed Forces are authorized  
 7 strengths for Selected Reserve personnel of the reserve  
 8 components as of September 30, 2007, as follows:

9 (1) The Army National Guard of the United  
 10 States, 350,000.

11 (2) The Army Reserve, 200,000.

12 (3) The Navy Reserve, 71,300.

13 (4) The Marine Corps Reserve, 39,600.

14 (5) The Air National Guard of the United  
 15 States, 107,000.

16 (6) The Air Force Reserve, 74,900.

17 (7) The Coast Guard Reserve, 10,000.

18 (b) ADJUSTMENTS.—The end strengths prescribed by  
 19 subsection (a) for the Selected Reserve of any reserve com-  
 20 ponent shall be proportionately reduced by—

21 (1) the total authorized strength of units orga-  
 22 nized to serve as units of the Selected Reserve of  
 23 such component which are on active duty (other  
 24 than for training) at the end of the fiscal year; and

1           (2) the total number of individual members not  
 2           in units organized to serve as units of the Selected  
 3           Reserve of such component who are on active duty  
 4           (other than for training or for unsatisfactory partici-  
 5           pation in training) without their consent at the end  
 6           of the fiscal year.

7 Whenever such units or such individual members are re-  
 8 leased from active duty during any fiscal year, the end  
 9 strength prescribed for such fiscal year for the Selected  
 10 Reserve of such reserve component shall be increased pro-  
 11 portionately by the total authorized strengths of such  
 12 units and by the total number of such individual members.

13 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
 14 **DUTY IN SUPPORT OF THE RESERVES.**

15       Within the end strengths prescribed in section  
 16 411(a), the reserve components of the Armed Forces are  
 17 authorized, as of September 30, 2007, the following num-  
 18 ber of Reserves to be serving on full-time active duty or  
 19 full-time duty, in the case of members of the National  
 20 Guard, for the purpose of organizing, administering, re-  
 21 cruiting, instructing, or training the reserve components:

22           (1) The Army National Guard of the United  
 23           States, 27,441.

24           (2) The Army Reserve, 15,416.

25           (3) The Navy Reserve, 12,564.

1 (4) The Marine Corps Reserve, 2,261.

2 (5) The Air National Guard of the United  
3 States, 13,206.

4 (6) The Air Force Reserve, 2,707.

5 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
6 **(DUAL STATUS).**

7 The minimum number of military technicians (dual  
8 status) as of the last day of fiscal year 2007 for the re-  
9 serve components of the Army and the Air Force (notwith-  
10 standing section 129 of title 10, United States Code) shall  
11 be the following:

12 (1) For the Army Reserve, 7,912.

13 (2) For the Army National Guard of the United  
14 States, 26,050.

15 (3) For the Air Force Reserve, 10,124.

16 (4) For the Air National Guard of the United  
17 States, 23,255.

18 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF**  
19 **NON-DUAL STATUS TECHNICIANS.**

20 (a) LIMITATIONS.—

21 (1) NATIONAL GUARD.—Within the limitation  
22 provided in section 10217(c)(2) of title 10, United  
23 States Code, the number of non-dual status techni-  
24 cians employed by the National Guard as of Sep-  
25 tember 30, 2007, may not exceed the following:

1 (A) For the Army National Guard of the  
2 United States, 1,600.

3 (B) For the Air National Guard of the  
4 United States, 350.

5 (2) ARMY RESERVE.—The number of non-dual  
6 status technicians employed by the Army Reserve as  
7 of September 30, 2007, may not exceed 595.

8 (3) AIR FORCE RESERVE.—The number of non-  
9 dual status technicians employed by the Air Force  
10 Reserve as of September 30, 2007, may not exceed  
11 90.

12 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
13 this section, the term “non-dual status technician” has the  
14 meaning given that term in section 10217(a) of title 10,  
15 United States Code.

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
17 **THORIZED TO BE ON ACTIVE DUTY FOR**  
18 **OPERATIONAL SUPPORT.**

19 During fiscal year 2007, the maximum number of  
20 members of the reserve components of the Armed Forces  
21 who may be serving at any time on full-time operational  
22 support duty under section 115(b) of title 10, United  
23 States Code, is the following:

24 (1) The Army National Guard of the United  
25 States, 17,000.

1 (2) The Army Reserve, 13,000.

2 (3) The Navy Reserve, 6,200.

3 (4) The Marine Corps Reserve, 3,000.

4 (5) The Air National Guard of the United  
5 States, 16,000.

6 (6) The Air Force Reserve, 14,000.

7 **Subtitle C—Authorization of**  
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

10 There is hereby authorized to be appropriated to the  
11 Department of Defense for military personnel for fiscal  
12 year 2007 a total of \$112,043,468,000. The authorization  
13 in the preceding sentence supersedes any other authoriza-  
14 tion of appropriations (definite or indefinite) for such pur-  
15 pose for fiscal year 2007.

16 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

17 There is hereby authorized to be appropriated for fis-  
18 cal year 2007 from the Armed Forces Retirement Home  
19 Trust Fund the sum of \$54,846,000 for the operation of  
20 the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**  
 2 **POLICY**

3 **Subtitle A—Officer Personnel**  
 4 **Policy**

5 **Part I—Officer Personnel Policy Generally**

6 **SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CER-**  
 7 **TAIN INTELLIGENCE COMMUNITY POSITIONS.**

8 Section 528 of title 10, United States Code, is  
 9 amended by adding at the end the following new sub-  
 10 sections:

11 “(e) **MILITARY STATUS.**—An officer of the Armed  
 12 Forces, while serving in a position covered by this  
 13 section—

14 “(1) shall not be subject to supervision or con-  
 15 trol by the Secretary of Defense or by any officer or  
 16 employee of the Department of Defense, except as  
 17 directed by the Secretary or the Secretary’s designee  
 18 concerning reassignment from such position; and

19 “(2) shall not exercise, by reason of the officer’s  
 20 status as an officer, any supervision or control with  
 21 respect to any of the military or civilian personnel  
 22 of the Department of Defense except as otherwise  
 23 authorized by law.

24 “(f) **EFFECT OF APPOINTMENT.**—Except as provided  
 25 in subsection (e), the appointment of an officer of the

1 Armed Forces to a position covered by this section shall  
2 not affect the status, position, rank, or grade of such offi-  
3 cer in the Armed Forces, or any emolument, perquisite,  
4 right, privilege, or benefit incident to or arising out of such  
5 status, position, rank, or grade.

6 “(g) MILITARY PAY AND ALLOWANCES.—(1) An offi-  
7 cer of the Armed Forces on active duty who is appointed  
8 to a position covered by this section shall, while serving  
9 in such position and while remaining on active duty, con-  
10 tinue to receive military pay and allowances, and shall not  
11 receive the pay prescribed for such position.

12 “(2) Funds from which pay and allowances under  
13 paragraph (1) are paid shall be reimbursed from the fol-  
14 lowing:

15 “(A) Funds available to the Director of the  
16 Central Intelligence Agency, for positions within the  
17 Central Intelligence Agency.

18 “(B) Funds available to the Director of Na-  
19 tional Intelligence, for positions within the Office of  
20 the Director of National Intelligence.”.

1 **SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF**  
 2 **TIME-IN-GRADE REQUIREMENT FOR ELIGI-**  
 3 **BILITY FOR PROMOTION FOR CERTAIN AC-**  
 4 **TIVE-DUTY LIST OFFICERS IN GRADES OF**  
 5 **FIRST LIEUTENANT AND LIEUTENANT (JUN-**  
 6 **IOR GRADE).**

7 Section 619(a)(1)(B) of title 10, United States Code,  
 8 is amended by striking “October 1, 2005” and inserting  
 9 “October 1, 2008”.

10 **SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY**  
 11 **GENERAL AND FLAG OFFICERS.**

12 (a) RESTATEMENT AND MODIFICATION OF CURRENT  
 13 AGE LIMITS.—Section 1251 of title 10, United States  
 14 Code, is amended to read as follows:

15 **“§ 1251. Regular commissioned officers; exceptions**

16 “(a) AGE LIMITS FOR GENERAL AND FLAG OFFI-  
 17 CERS.—(1) Unless retired or separated earlier, each reg-  
 18 ular commissioned officer of the Army, Air Force, or Ma-  
 19 rine Corps serving in a grade at or above brigadier gen-  
 20 eral, or rear admiral (lower half) in the case of an officer  
 21 in the Navy, shall be retired on the first day of the month  
 22 following the month in which the officer becomes 64 years  
 23 of age.

24 “(2) Notwithstanding paragraph (1), the Secretary of  
 25 Defense may defer the retirement of an officer serving in  
 26 a position that carries a grade above major general or rear



1 admiral, but such a deferment may not extend beyond the  
2 first day of the month following the month in which the  
3 officer becomes 66 years of age.

4 “(3) Notwithstanding paragraphs (1) and (2), the  
5 President may defer the retirement of an officer serving  
6 in a position that carries a grade above major general or  
7 rear admiral, but such a deferment may not extend beyond  
8 the first day of the month following the month in which  
9 the officer becomes 68 years of age.

10 “(b) AGE LIMITS FOR OTHER OFFICERS.—Unless re-  
11 tired or separated earlier, each regular commissioned offi-  
12 cer of the Army, Air Force, or Marine Corps other than  
13 an officer covered by section 1252 of this title or a com-  
14 missioned warrant officer) serving in a grade below briga-  
15 dier general, or rear admiral (lower half) in the case of  
16 an officer in the Navy, shall be retired on the first day  
17 of the month following the month in which the officer be-  
18 comes 62 years of age.

19 “(c) DEFERRED RETIREMENT OF HEALTH PROFES-  
20 SIONS OFFICERS.—(1) The Secretary of the military de-  
21 partment concerned may, subject to subsection (e), defer  
22 the retirement under subsection (b) of a health professions  
23 officer if during the period of the deferment the officer  
24 will be performing duties consisting primarily of providing  
25 patient care or performing other clinical duties.

1       “(2) For purposes of this subsection, a health profes-  
2       sions officer is—

3               “(A) a medical officer;

4               “(B) a dental officer; or

5               “(C) an officer in the Army Nurse Corps, an  
6       officer in the Navy Nurse Corps, or an officer in the  
7       Air Force designated as a nurse.

8       “(d) DEFERRED RETIREMENT OF CHAPLAINS.—The  
9       Secretary of the military department concerned may, sub-  
10      ject to subsection (e), defer the retirement under sub-  
11      section (b) of an officer who is appointed or designated  
12      as a chaplain if the Secretary determines that such defer-  
13      ral is in the best interest of the military department con-  
14      cerned.

15      “(e) LIMITATION ON DEFERRAL OF RETIRE-  
16      MENTS.—(1) Except as provided in paragraph (2), a  
17      deferment under subsection (c) or (d) may not extend be-  
18      yond the first day of the month following the month in  
19      which the officer becomes 68 years of age.

20      “(2) The Secretary of the military department con-  
21      cerned may extend a deferment under subsection (c) or  
22      (d) beyond the day referred to in paragraph (1) if the Sec-  
23      retary determines that extension of the deferment is nec-  
24      essary for the needs of the military department concerned.  
25      Such an extension shall be made on a case-by-case basis

1 and shall be for such period as the Secretary considers  
2 appropriate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 63 of such title is amended  
5 by striking the item relating to section 1251 and inserting  
6 the following new item:

“1251. Regular commissioned officers; exceptions.”.

7 **SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR**  
8 **MEMBERS OF THE JUDGE ADVOCATE GEN-**  
9 **ERAL’S CORPS.**

10 (a) DEPARTMENT OF THE ARMY.—

11 (1) GRADE OF JUDGE ADVOCATE GENERAL.—  
12 Subsection (a) of section 3037 of title 10, United  
13 States Code, is amended by striking the third sen-  
14 tence and inserting the following new sentence: “The  
15 Judge Advocate General, while so serving, has the  
16 grade of lieutenant general.”.

17 (2) REDESIGNATION OF ASSISTANT JUDGE AD-  
18 VOCATE GENERAL AS DEPUTY JUDGE ADVOCATE  
19 GENERAL.—Such section is further amended—

20 (A) in subsection (a), by striking “Assist-  
21 ant Judge Advocate General” each place it ap-  
22 pears and inserting “Deputy Judge Advocate  
23 General”; and

1 (B) in subsection (d), by striking “Assist-  
 2 ant Judge Advocate General” and inserting  
 3 “Deputy Judge Advocate General”.

4 (3) CONFORMING AND CLERICAL AMEND-  
 5 MENTS.—(A) The heading of such section is amend-  
 6 ed by striking “**Assistant Judge Advocate**  
 7 **General**” and inserting “**Deputy Judge Advo-**  
 8 **cate General**”.

9 (B) The table of sections at the beginning of  
 10 chapter 305 of such title is amended in the item re-  
 11 lating to section 3037 by striking “Assistant Judge  
 12 Advocate General” and inserting “Deputy Judge Ad-  
 13 vocate General”.

14 (b) GRADE OF JUDGE ADVOCATE GENERAL OF THE  
 15 NAVY.—Section 5148(b) of such title is amended in sub-  
 16 section by striking the last sentence and inserting the fol-  
 17 lowing new sentence: “The Judge Advocate General, while  
 18 so serving, has the grade of vice admiral or lieutenant gen-  
 19 eral, as appropriate.”.

20 (c) GRADE OF JUDGE ADVOCATE GENERAL OF THE  
 21 AIR FORCE.—Section 8037(a) of such title is amended by  
 22 striking the last sentence and inserting the following new  
 23 sentence: “The Judge Advocate General, while so serving,  
 24 has the grade of lieutenant general.”.

1 (d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND  
 2 FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITA-  
 3 TIONS.—Section 525(b) of such title is amended by adding  
 4 at the end the following new paragraph:

5 “(9) An officer while serving as the Judge Advocate  
 6 General of the Army, the Judge Advocate General of the  
 7 Navy, or the Judge Advocate General of the Air Force  
 8 is in addition to the number that would otherwise be per-  
 9 mitted for that officer’s armed force for officers serving  
 10 on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.”.

12 **SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERI-**  
 13 **ENCE FOR OFFICERS APPOINTED AS SUR-**  
 14 **GEON GENERAL OF THE ARMY, NAVY, AND**  
 15 **AIR FORCE.**

16 (a) RESTATEMENT AND STANDARDIZATION OF AU-  
 17 THORITIES ON SURGEON GENERAL OF THE ARMY.—

18 (1) IN GENERAL.—Chapter 305 of title 10,  
 19 United States Code, is amended by inserting after  
 20 section 3036 the following new section:

21 **“§ 3036a. Surgeon General: appointment; grade**

22 **“(a) SURGEON GENERAL.—There is a Surgeon Gen-**  
 23 **eral of the Army who is appointed by the President, by**  
 24 **and with the advice and consent of the Senate, from offi-**  
 25 **cers in any corps of the Army Medical Department.**

1       “(b) GRADE.—The Surgeon General, while so serv-  
2 ing, has the grade of lieutenant general.

3       “(c) TERM OF OFFICE.—An officer appointed as Sur-  
4 geon General normally holds office for four years.

5       “(d) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
6 MENT.—(1) The Secretary of Defense may not rec-  
7 ommend an officer to the President for appointment as  
8 Surgeon General unless the officer is determined by the  
9 Chairman of the Joint Chiefs of Staff, in accordance with  
10 criteria and as a result of a process established by the  
11 Chairman, to have significant joint experience.

12       “(2) Until October 1, 2010, the Secretary of Defense  
13 may waive the limitation in paragraph (1) with respect  
14 to the recommendation of an officer as Surgeon General  
15 if—

16               “(A) the Secretary of the Army requests the  
17 waiver; and

18               “(B) in the judgment of the Secretary of  
19 Defense—

20                       “(i) the officer is qualified for service as  
21 Surgeon General; and

22                       “(ii) the waiver is necessary for the good  
23 of the Army.

24       “(3) Any waiver under paragraph (2) shall be made  
25 on a case-by-case basis.”.

1           (2) CONFORMING AMENDMENT.—Section  
 2       3036(b) of such title is amended in the flush matter  
 3       following paragraph (2) by striking the second sen-  
 4       tence.

5           (3) CLERICAL AMENDMENT.—The table of sec-  
 6       tions at the beginning of chapter 305 of such title  
 7       is amended by inserting after the item relating to  
 8       section 3036 the following new item:

“3036a. Surgeon General: appointment; grade.”.

9           (b) SURGEON GENERAL OF THE NAVY.—

10          (1) IN GENERAL.—Section 5137 of such title is  
 11       amended—

12               (A) by redesignating subsection (b) as sub-  
 13       section (c); and

14               (B) by inserting after subsection (a) the  
 15       following new subsection (b):

16       “(b) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
 17       MENT AS CHIEF.—(1) The Secretary of Defense may not  
 18       recommend an officer to the President for appointment  
 19       as Surgeon General unless the officer is determined by the  
 20       Chairman of the Joint Chiefs of Staff, in accordance with  
 21       criteria and as a result of a process established by the  
 22       Chairman, to have significant joint experience.

23       “(2) Until October 1, 2010, the Secretary of Defense  
 24       may waive the limitation in paragraph (1) with respect

1 to the recommendation of an officer as Surgeon General  
2 if—

3 “(A) the Secretary of the Navy requests the  
4 waiver; and

5 “(B) in the judgment of the Secretary of  
6 Defense—

7 “(i) the officer is qualified for service as  
8 Surgeon General; and

9 “(ii) the waiver is necessary for the good  
10 of the Navy.

11 “(3) Any waiver under paragraph (2) shall be made  
12 on a case-by-case basis.”.

13 (2) TECHNICAL AMENDMENTS.—Such section is  
14 further amended—

15 (A) in subsection (a), by inserting  
16 “CHIEF.—” after “(a)”; and

17 (B) in subsection (c), as redesignated by  
18 paragraph (1)(A) of this subsection, by insert-  
19 ing “DEPUTY CHIEF.—” after “(c)”.

20 (c) SURGEON GENERAL OF THE AIR FORCE.—The  
21 text of section 8036 of such title is amended to read as  
22 follows:

23 “(a) SURGEON GENERAL.—There is a Surgeon Gen-  
24 eral of the Air Force who is appointed by the President,  
25 by and with the advice and consent of the Senate, from



1 officers of the Air Force who are in the Air Force medical  
2 department.

3 “(b) GRADE.—The Surgeon General, while so serv-  
4 ing, has the grade of lieutenant general.

5 “(c) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
6 MENT.—(1) The Secretary of Defense may not rec-  
7 ommend an officer to the President for appointment as  
8 Surgeon General unless the officer is determined by the  
9 Chairman of the Joint Chiefs of Staff, in accordance with  
10 criteria and as a result of a process established by the  
11 Chairman, to have significant joint experience.

12 “(2) Until October 1, 2010, the Secretary of Defense  
13 may waive the limitation in paragraph (1) with respect  
14 to the recommendation of an officer as Surgeon General  
15 if—

16 “(A) the Secretary of the Air Force requests  
17 the waiver; and

18 “(B) in the judgment of the Secretary of  
19 Defense—

20 “(i) the officer is qualified for service as  
21 Surgeon General; and

22 “(ii) the waiver is necessary for the good  
23 of the Air Force.

24 “(3) Any waiver under paragraph (2) shall be made  
25 on a case-by-case basis.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on October 1, 2008, and shall  
 3 apply with respect to appointments to the position of Sur-  
 4 geon General of the Army, Surgeon General of the Navy,  
 5 and Surgeon General of the Air Force that are made on  
 6 or after that date.

7 **SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GEN-**  
 8 **ERAL AND FLAG OFFICER DISTRIBUTION**  
 9 **AND STRENGTH LIMITATIONS OF OFFICER**  
 10 **SERVING AS ATTENDING PHYSICIAN TO THE**  
 11 **CONGRESS.**

12 (a) GRADE.—

13 (1) REGULAR OFFICER.—(A) Chapter 41 of  
 14 title 10, United States Code, is amended by adding  
 15 at the end the following new section:

16 **“§ 722. Attending Physician to the Congress: grade**

17 “A general officer serving as Attending Physician to  
 18 the Congress, while so serving, holds the grade of major  
 19 general. A flag officer serving as Attending Physician to  
 20 the Congress, while so serving, holds the grade of rear ad-  
 21 miral.”.

22 (B) The table of sections at the beginning of  
 23 such chapter is amended by adding at the end the  
 24 following new item:

“722. Attending Physician to the Congress: grade.”.

1           (2) RESERVE OFFICER.—(A) Section 12210 of  
 2       such title is amended by striking “who holds” and  
 3       all that follows and inserting “holds the reserve  
 4       grade of major general or rear admiral, as appro-  
 5       priate.”.

6           (B) The heading of such section is amended to  
 7       read as follows:

8       **“§ 12210. Attending Physician to the Congress: re-**  
 9               **serve grade”.**

10          (C) The table of sections at the beginning of  
 11       chapter 1205 of such title is amended by striking  
 12       the item relating to section 12210 and inserting the  
 13       following new item:

“12210. Attending Physician to the Congress: reserve grade.”.

14          (b) DISTRIBUTION LIMITATIONS.—Section 525 of  
 15       title 10, United States Code, is amended by adding at the  
 16       end the following new subsection:

17       “(f) An officer while serving as Attending Physician  
 18       to the Congress is in addition to the number that would  
 19       otherwise be permitted for that officer’s armed force for  
 20       officers serving on active duty in grades above brigadier  
 21       general or rear admiral (lower half) under subsection  
 22       (a).”.

23          (c) ACTIVE-DUTY STRENGTH LIMITATIONS.—Section  
 24       526 of such title is amended by adding at the end the  
 25       following new subsection:

1       “(f) EXCLUSION OF ATTENDING PHYSICIAN TO THE  
2 CONGRESS.—The limitations of this section do not apply  
3 to the general or flag officer who is serving as Attending  
4 Physician to the Congress.”.

5 **SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT**  
6 **OF CHIEF WARRANT OFFICERS, W-4, TWICE**  
7 **FAILING SELECTION FOR PROMOTION.**

8       (a) IN GENERAL.—Section 580(a) of title 10, United  
9 States Code, is amended—

10           (1) in paragraph (1), by inserting “, except as  
11 provided in paragraph (5),” after “shall”;

12           (2) by redesignating paragraphs (5) and (6) as  
13 paragraphs (6) and (7), respectively; and

14           (3) by inserting after paragraph (4) the fol-  
15 lowing new paragraph (5):

16       “(5) In the case of a warrant officer described in  
17 paragraph (1) who is in the grade of chief warrant officer,  
18 W-4, the retirement or separation of such member under  
19 this subsection shall be subject to the discretion of the  
20 Secretary concerned.”.

21       (b) ELIGIBILITY FOR PROMOTION.—Paragraph (6) of  
22 such section, as redesignated by subsection (a)(2) of this  
23 section, is further amended—

1           (1) by striking “A warrant officer” and insert-  
 2           ing “(A) Except as provided in subparagraph (B), a  
 3           warrant officer”; and

4           (2) by adding at the end the following new sub-  
 5           paragraph:

6           “(B) A warrant officer who is retained on active duty  
 7           pursuant to an exercise of the authority in paragraph (5)  
 8           is eligible for further consideration for promotion while re-  
 9           maining on active duty.”.

10 **SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR**  
 11 **RESERVE OFFICERS.**

12           (a) MAJOR GENERALS AND REAR ADMIRALS.—

13           (1) INCREASED AGE.—Section 14511 of title  
 14           10, United States Code, is amended by striking “62  
 15           years” and inserting “64 years”.

16           (2) CONFORMING AMENDMENT.—The heading  
 17           of such section is amended to read as follows:

18 **“§ 14511. Separation at age 64: major generals and**  
 19 **rear admirals”.**

20           (b) BRIGADIER GENERALS AND REAR ADMIRALS  
 21 (LOWER HALF).—

22           (1) INCREASED AGE.—Section 14510 of such  
 23           title is amended by striking “60 years” and insert-  
 24           ing “62 years”.

1 (2) CONFORMING AMENDMENT.—The heading  
2 of such section is amended to read as follows:

3 **“§ 14510. Separation at age 62: brigadier generals and**  
4 **rear admirals (lower half)”.**

5 (c) OFFICERS BELOW BRIGADIER GENERAL OR  
6 REAR ADMIRAL (LOWER HALF).—

7 (1) INCREASED AGE.—Section 14509 of such  
8 title is amended by striking “60 years” and insert-  
9 ing “62 years”.

10 (2) CONFORMING AMENDMENT.—The heading  
11 of such section is amended to read as follows:

12 **“§ 14509. Separation at age 62: reserve officers in**  
13 **grades below brigadier general or rear**  
14 **admiral (lower half)”.**

15 (d) CERTAIN OTHER OFFICERS.—

16 (1) INCREASED AGE.—Section 14512 of such  
17 title is amended by striking “64 years” both places  
18 it appears and inserting “66 years”.

19 (2) CONFORMING AMENDMENT.—The heading  
20 of such section is amended to read as follows:

21 **“§ 14512. Separation at age 66: officers holding cer-**  
22 **tain offices”.**

23 (e) CONFORMING AMENDMENTS.—Section 14508 of  
24 such title is amended—

1 (1) in subsection (c), by striking “60 years”  
 2 and inserting “62 years”; and

3 (2) in subsection (d), by striking “62 years”  
 4 and inserting “64 years”.

5 (f) CLERICAL AMENDMENT.—The table of sections at  
 6 the beginning of chapter 1407 of such title is amended  
 7 by striking the items relating to sections 14509, 14510,  
 8 14511, and 14512 and inserting the following new items:

“14509. Separation at age 62: reserve officers in grades below brigadier general  
 or rear admiral (lower half).

“14510. Separation at age 62: brigadier generals and rear admirals (lower half).

“14511. Separation at age 64: major generals and rear admirals.

“14512. Separation at age 66: officers holding certain offices.”.

9 **SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEAD-**  
 10 **ERSHIP OF THE NAVAL POSTGRADUATE**  
 11 **SCHOOL.**

12 Section 7042(a) of title 10, United States Code, is  
 13 amended—

14 (1) in paragraph (1)(A)—

15 (A) by inserting “active-duty or retired”  
 16 after “An”;

17 (B) by inserting “or Marine Corps” after  
 18 “Navy”;

19 (C) by inserting “or colonel, respectively”  
 20 after “captain”; and

21 (D) by inserting “or assigned” after “de-  
 22 tailed”;

(2) in paragraph (2), by inserting “and the Commandant of the Marine Corps” after “Operations”; and

(3) in paragraph (4)(A)—

(A) by inserting “(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)” after “in the case of a civilian”;

(B) by inserting “active-duty or retired” after “in the case of an”; and

(C) by inserting “or Marine Corps” after “Navy”.

## **Part II—Officer Promotion Policy**

### **SEC. 515. PROMOTIONS.**

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) CLARIFICATION OF APPROVAL OF SELECTION BOARD REPORTS.—Subsection (a)(1) of section 624 of title 10, United States Code, is amended by inserting “or a delegate of the President” after “the President”.

(2) DATE OF ESTABLISHMENT OF PROMOTION LIST.—Such subsection is further amended by adding at the end the following new sentence: “For promotions that occur by and with the advice and con-



1 sent of the Senate, a promotion list shall be treated  
 2 as being established for purposes of this chapter on  
 3 the date on which the list is received by the Senate  
 4 for consideration.”.

5 (3) UNIFORM PROCEDURES FOR DELAYS OF AP-  
 6 POINTMENT UPON PROMOTION.—Subsection (d) of  
 7 such section is amended—

8 (A) in paragraph (1), by striking “pre-  
 9 scribed by the Secretary concerned” and insert-  
 10 ing “prescribed by the Secretary of Defense”;  
 11 and

12 (B) in paragraph (2), by striking “pre-  
 13 scribed by the Secretary concerned” and insert-  
 14 ing “prescribed by the Secretary of Defense”.

15 (4) ADDITIONAL BASIS FOR DELAY OF AP-  
 16 POINTMENT.—Subsection (d)(1) of such section is  
 17 further amended—

18 (A) in subparagraph (C), by striking “or”  
 19 at the end;

20 (B) in subparagraph (D), by striking the  
 21 period at the end and inserting “; or”;

22 (C) by inserting after subparagraph (D)  
 23 the following new subparagraph (E):

24 “(E) substantiated adverse information about  
 25 the officer that is material to the decision to appoint

the officer is under review by the Secretary of Defense or the Secretary concerned.”; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking “or if the officer is acquitted” and inserting “if the officer is acquitted”; and

(ii) by inserting after “brought against him,” the following: “or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,”.

(5) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before “is mentally, physically,” the following: “has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or”; and

1 (B) in the second sentence, by striking “If  
 2 the Secretary concerned later determines that  
 3 the officer is qualified for promotion to such  
 4 grade” and inserting “If it is later determined  
 5 by a civilian official of the Department of De-  
 6 fense (not below the level of Secretary of a mili-  
 7 tary department) that the officer is qualified for  
 8 promotion to such grade and, after a review of  
 9 adverse information regarding the requirement  
 10 for exemplary conduct set forth in section 3583,  
 11 5947, or 8583 of this title, as applicable, the of-  
 12 ficer is determined to be among the officers  
 13 best qualified for promotion to such grade”.

14 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—

15 (1) CLARIFICATION OF APPROVAL OF SELEC-  
 16 TION BOARD REPORTS.—Subsection (a) of section  
 17 14308 of title 10, United States Code, is amended  
 18 by inserting “or a delegate of the President” after  
 19 “the President”.

20 (2) DATE OF ESTABLISHMENT OF PROMOTION  
 21 LIST.—Such subsection is further amended by add-  
 22 ing at the end the following new sentence: “For pro-  
 23 motions that occur by and with the advice and con-  
 24 sent of the Senate, a promotion list shall be treated  
 25 as being established for purposes of this chapter on

1 the date on which the list is received by the Senate  
2 for consideration.”.

3 (3) UNIFORM PROCEDURES FOR DELAYS OF AP-  
4 POINTMENT UPON PROMOTION.—Section 14311 of  
5 such title is amended—

6 (A) in subsection (a)(1), by striking “Sec-  
7 retary of the military department concerned”  
8 and inserting “Secretary of Defense”; and

9 (B) in subsection (b), by striking “Sec-  
10 retary of the military department concerned”  
11 and inserting “Secretary of Defense”.

12 (4) ADDITIONAL BASIS FOR ORIGINAL DELAY  
13 OF APPOINTMENT.—Section 14311(a) of such title is  
14 further amended—

15 (A) in paragraph (1), by adding at the end  
16 the following new subparagraph:

17 “(E) Substantiated adverse information about  
18 the officer that is material to the decision to appoint  
19 the officer is under review by the Secretary of De-  
20 fense or the Secretary concerned.”; and

21 (B) in paragraph (2)—

22 (i) by striking “or if the officer is ac-  
23 quitted” and inserting “if the officer is ac-  
24 quitted”; and

(ii) by inserting after “brought against him,” the following: “or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,”.

(5) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before “is mentally, physically,” the following: “has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or”; and

(B) in the second sentence, by striking “If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade” and inserting “If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and,

after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade”.

(c) DEADLINE FOR UNIFORM REGULATIONS ON DELAY OF PROMOTIONS.—The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(3) of this section), and the regulations required by section 14311 of title 10, United States Code (as amended by subsection (b)(3) of this section), not later than March 1, 2008.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to officers on promotion lists established on or after that date.

**SEC. 516. CONSIDERATION OF ADVERSE INFORMATION BY PROMOTION SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.**

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 616(c) of title 10, United States Code, is amended—

1 (1) in paragraph (1), by striking “and” at the  
2 end;

3 (2) in paragraph (2), by striking the period at  
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new  
6 paragraph:

7 “(3) a majority of the members of the board,  
8 after consideration by all members of the board of  
9 any adverse information about the officer that is  
10 provided to the board under section 615 of this title,  
11 finds that the officer is among the officers best  
12 qualified for promotion to meet the needs of the  
13 armed force concerned consistent with the require-  
14 ment of exemplary conduct set forth in section 3583,  
15 5947, or 8583 of this title, as applicable.”.

16 (b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—  
17 Section 14108(b) of such title is amended—

18 (1) in the heading, by striking “MAJORITY RE-  
19 QUIRED” and inserting “ACTIONS REQUIRED”;

20 (2) in paragraph (1), by striking “and” at the  
21 end;

22 (3) in paragraph (2), by striking the period at  
23 the end and inserting “; and”; and

24 (4) by adding at the end the following new  
25 paragraph:

1           “(3) a majority of the members of the board,  
 2           after consideration by all members of the board of  
 3           any adverse information about the officer that is  
 4           provided to the board under section 14107 of this  
 5           title, finds that the officer is among the officers best  
 6           qualified for promotion to meet the needs of the  
 7           armed force concerned consistent with the require-  
 8           ment of exemplary conduct set forth in section 3583,  
 9           5947, or 8583 of this title, as applicable.”.

10          (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall take effect on the date of the enactment  
 12 of this Act, and shall apply with respect to promotion se-  
 13 lection boards convened on or after that date.

14 **SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM RE-**  
 15 **PORTS OF SELECTION BOARDS OF OFFICERS**  
 16 **RECOMMENDED FOR PROMOTION TO**  
 17 **GRADES BELOW GENERAL AND FLAG**  
 18 **GRADES.**

19          (a) OFFICERS ON ACTIVE-DUTY LIST.—Section  
 20 618(d) of title 10, United States Code, is amended—

21               (1) by striking “The name” and inserting “(1)  
 22               Except as provided in paragraph (2), the name”;  
 23               and

24               (2) by adding at the end the following new  
 25               paragraph:



1       “(2) In the case of an officer recommended by a se-  
 2       lection board for promotion to a grade below brigadier  
 3       general or rear admiral (lower half), the name of the offi-  
 4       cer may also be removed from the report of the selection  
 5       board by the Secretary of Defense or the Deputy Secretary  
 6       of Defense.”.

7       (b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—  
 8       Section 14111(b) of such title is amended—

9               (1) by striking “The name” and inserting “(1)  
 10       Except as provided in paragraph (2), the name”;  
 11       and

12              (2) by adding at the end the following new  
 13       paragraph:

14       “(2) In the case of an officer recommended by a se-  
 15       lection board for promotion to a grade below brigadier  
 16       general or rear admiral (lower half), the name of the offi-  
 17       cer may also be removed from the report of the selection  
 18       board by the Secretary of Defense or the Deputy Secretary  
 19       of Defense.”.

20       (c) EFFECTIVE DATE.—The amendments made by  
 21       this section shall take effect on the date of the enactment  
 22       of this Act, and shall apply with respect to promotion se-  
 23       lection boards convened on or after that date.

1 **SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIRE-**  
 2 **MENTS APPLICABLE TO PROMOTION SELEC-**  
 3 **TION BOARD PROCEEDINGS.**

4 (a) SELECTION BOARD PROCEEDINGS FOR ACTIVE  
 5 DUTY OFFICERS.—Subsection (f) of section 618 of title  
 6 10, United States Code, is amended to read as follows:

7 “(f)(1) Proceedings of a selection board convened  
 8 under section 611 of this title shall not be disclosed to  
 9 any person not a member of the board.

10 “(2) Discussions and deliberations of a selection  
 11 board described in paragraph (1), and any written or doc-  
 12 umentary records thereof, shall—

13 “(A) be immune from legal process;

14 “(B) not be admitted as evidence; and

15 “(C) not be used for any purpose in any action,  
 16 suit, or judicial or administrative proceeding without  
 17 the consent of the Secretary of the military depart-  
 18 ment concerned.”.

19 (b) SELECTION BOARD PROCEEDINGS FOR RESERVE  
 20 OFFICERS.—

21 (1) IN GENERAL.—Section 14104 of such title  
 22 is amended to read as follows:

23 **“§ 14104. Nondisclosure of board proceedings**

24 “(a) IN GENERAL.—The proceedings of a selection  
 25 board convened under section 14101 of this title shall not  
 26 be disclosed to any person not a member of the board.

1       “(b) DISCUSSIONS AND DELIBERATIONS.—Discus-  
 2 sions and deliberations of a selection board described in  
 3 subsection (a), and any written or documentary records  
 4 thereof, shall—

5               “(1) be immune from legal process;

6               “(2) not be admitted as evidence; and

7               “(3) not be used for any purpose in any action,  
 8 suit, or judicial or administrative proceeding without  
 9 the consent of the Secretary of the military depart-  
 10 ment concerned.”.

11           (2) CLERICAL AMENDMENT.—The table of sec-  
 12 tions at the beginning of chapter 1403 of such title  
 13 is amended by striking the item relating to section  
 14 14104 and inserting the following new item:

“14104. Nondisclosure of board proceedings.”.

15       (c) EFFECTIVE DATE.—The amendments made by  
 16 this section shall take effect on the date of the enactment  
 17 of this Act, and shall apply with respect to the proceedings  
 18 of any promotion selection board, whether convened be-  
 19 fore, on, or after such date.

20 **SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.**

21       (a) OFFICERS ON ACTIVE-DUTY LIST.—

22           (1) BOARDS FOR ADMINISTRATIVE ERROR  
 23 AVAILABLE ONLY TO OFFICERS IN OR ABOVE PRO-  
 24 MOTION ZONE.—Subsection (a)(1) of section 628 of  
 25 title 10, United States Code, is amended by insert-

1 ing “from in or above the promotion zone” after  
 2 “for selection for promotion”.

3 (2) ACTIONS TREATABLE AS MATERIAL UNFAIR-  
 4 NESS.—Subsection (b)(1)(A) of such section is  
 5 amended by inserting “in a matter material to the  
 6 decision of the board” after “contrary to law”.

7 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—  
 8 Section 14502(b)(1)(A) of such title is amended by insert-  
 9 ing “in a matter material to the decision of the board”  
 10 after “contrary to law”.

11 (c) EFFECTIVE DATE.—The amendments made by  
 12 this section shall take effect on March 1, 2007, and shall  
 13 apply with respect to promotion selection boards convened  
 14 on or after that date.

15 **SEC. 520. REMOVAL FROM PROMOTION LISTS OF OFFICERS**  
 16 **RETURNED TO THE PRESIDENT BY THE SEN-**  
 17 **ATE.**

18 (a) OFFICERS ON ACTIVE-DUTY LIST.—

19 (1) CLARIFICATION OF REMOVAL AUTHORITY.—  
 20 Subsection (a) of section 629 of title 10, United  
 21 States Code, is amended by inserting “or a delegee  
 22 of the President” after “The President”.

23 (2) REMOVAL FOLLOWING RETURN.—Such sec-  
 24 tion is further amended—

1 (A) by redesignating subsection (c) as sub-  
 2 section (d);

3 (B) by inserting after subsection (b) the  
 4 following new subsection (c):

5 “(c)(1) If an officer or group of officers on a list of  
 6 officers approved for promotion by the President and sub-  
 7 mitted to the Senate for consideration is returned by the  
 8 Senate to the President pursuant to the rules and proce-  
 9 dures of the Senate, the officer or group of officers, as  
 10 the case may be, shall automatically be removed from the  
 11 list at the end of the 365-day period beginning on the date  
 12 of such return.

13 “(2) Prior to the end of the 365-day period referred  
 14 to in paragraph (1), the President may extend by an addi-  
 15 tional 365 days the period specified in that paragraph for  
 16 the removal of an officer or group of officers from a list  
 17 of officers approved for promotion by the President.

18 “(3) The President may, during the period specified  
 19 in paragraph (1), as extended (if at all) under paragraph  
 20 (2), resubmit to the Senate any officer or group of officers  
 21 removed under paragraph (1) from a list of officers ap-  
 22 proved for promotion by the President.

23 “(4) If an officer or group of officers resubmitted to  
 24 the Senate under paragraph (3) is returned by the Senate  
 25 to the President pursuant to the rules and procedures of

1 the Senate, the officer or group of officers, as the case  
 2 may be, shall automatically be removed from the list of  
 3 officers approved for promotion by the President.”; and

4 (C) in paragraph (1) of subsection (d), as  
 5 redesignated by paragraph (1) of this sub-  
 6 section, by striking “or (b)” and inserting “(b),  
 7 or (c)”.

8 (b) OFFICERS ON RESERVE ACTIVE STATUS LIST.—

9 (1) CLARIFICATION OF REMOVAL AUTHORITY.—

10 Subsection (a) of section 14310 of such title is  
 11 amended by inserting “or a delegee of the Presi-  
 12 dent” after “The President”.

13 (2) REMOVAL FOLLOWING RETURN.—Such sec-  
 14 tion is further amended—

15 (A) by redesignating subsection (c) as sub-  
 16 section (d);

17 (B) by inserting after subsection (b) the  
 18 following new subsection (c):

19 “(c) REMOVAL FOLLOWING RETURN BY THE SEN-  
 20 ATE TO THE PRESIDENT.—(1) If an officer or group of  
 21 officers on a list of officers approved for promotion by the  
 22 President and submitted to the Senate for consideration  
 23 is returned by the Senate to the President pursuant to  
 24 the rules and procedures of the Senate, the officer or  
 25 group of officers, as the case may be, shall automatically

1 be removed from the list at the end of the 365-day period  
 2 beginning on the date of such return.

3 “(2) Prior to the end of the 365-day period referred  
 4 to in paragraph (1), the President may extend by an addi-  
 5 tional 365 days the period specified in that paragraph for  
 6 the removal of an officer or group of officers from a list  
 7 of officers approved for promotion by the President.

8 “(3) The President may, during the period specified  
 9 in paragraph (1), as extended (if at all) under paragraph  
 10 (2), resubmit to the Senate any officer or group of officers  
 11 removed under paragraph (1) from a list of officers ap-  
 12 proved for promotion by the President.

13 “(4) If an officer or group of officers resubmitted to  
 14 the Senate under paragraph (3) is returned by the Senate  
 15 to the President pursuant to the rules and procedures of  
 16 the Senate, the officer or group of officers, as the case  
 17 may be, shall automatically be removed from the list of  
 18 officers approved for promotion by the President.”; and

19 (C) in subsection (d), as redesignated by  
 20 paragraph (1) of this subsection, by striking  
 21 “or (b)” and inserting “(b), or (c)”.

22 (c) EFFECTIVE DATE.—

23 (1) IN GENERAL.—The amendments made by  
 24 this section shall take effect on January 1, 2007.

1 (2) APPLICABILITY TO CERTAIN OFFICERS.—

2 The amendments made by this section shall not  
3 apply to any officer on the active-duty list or reserve  
4 active status list whose name is on a promotion list  
5 or report of a selection board on the date of the en-  
6 actment of this Act. Any officer whose name is on  
7 a promotion list as of the date of the enactment of  
8 this Act following the return of the officer's nomina-  
9 tion to the President by the Senate and who is eligi-  
10 ble as of that date for retirement for years of service  
11 shall be retired not later than October 1, 2008.

12 **SEC. 521. REPORT ON JOINT OFFICER PROMOTION**  
13 **BOARDS.**

14 (a) REPORT REQUIRED.—Not later than June 1,  
15 2007, the Secretary of Defense shall submit to the Com-  
16 mittee on Armed Services of the Senate and House of Rep-  
17 resentatives a report on the desirability and feasibility of  
18 conducting joint officer promotion selection boards.

19 (b) ELEMENTS.—The report under subsection (a)  
20 shall include—

21 (1) a discussion of the limitations in existing of-  
22 ficer career paths and promotion procedures that  
23 might warrant the conduct of joint officer promotion  
24 selection boards;



1           (2) an identification of the requirements for of-  
 2       ficers for which joint officer promotion selection  
 3       boards would be advantageous;

4           (3) recommendations on methods to dem-  
 5       onstrate how joint officer promotion selection boards  
 6       might be structured, and an evaluation of the feasi-  
 7       bility of such methods; and

8           (4) any proposals for legislative action that the  
 9       Secretary considers appropriate.

### 10   **Part III—Joint Officer Management Requirements**

#### 11   **SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL** 12                   **AUTHORITIES ON MANAGEMENT OF JOINT** 13                   **QUALIFIED OFFICERS.**

14       (a) REDESIGNATION OF APPLICABILITY OF POLICIES  
 15   TOWARD JOINT QUALIFICATION.—Subsection (a) of sec-  
 16   tion 661 of title 10, United States Code, is amended by  
 17   striking the last sentence and inserting the following new  
 18   sentence: “For purposes of this chapter, officers to be  
 19   managed by such policies, procedures, and practices are  
 20   referred to as ‘joint qualified’.”.

21       (b) NUMBERS AND DESIGNATION.—Subsection (b) of  
 22   such section is amended—

23           (1) in the heading, by striking “SELECTION”  
 24       and inserting “DESIGNATION”;

1           (2) in paragraph (1), by striking “of officers  
2       with the joint specialty” and inserting “and levels of  
3       joint qualified officers”;

4           (3) in paragraph (2)—

5               (A) by striking “selected for the joint spe-  
6       cialty” and inserting “designated as joint quali-  
7       fied officers”; and

8               (B) by striking the second and third sen-  
9       tences and inserting the following new sentence:  
10      “Officers considered for joint qualification  
11      shall—

12      “(A) meet criteria prescribed by the Secretary  
13      of Defense; and

14      “(B) be those officers who are serving in the  
15      grade of captain or, in the case of the Navy, lieuten-  
16      ant, or a higher grade.”; and

17           (4) in paragraph (3)—

18               (A) by striking “select officers for the joint  
19       specialty” and inserting “designate officers as  
20       joint qualified officers”; and

21               (B) by striking “the Deputy Secretary of  
22       Defense” and inserting “the Under Secretary of  
23       Defense for Personnel and Readiness”.

1       (c) EDUCATION AND EXPERIENCE REQUIRE-  
 2 MENTS.—Subsection (c) of such section is amended to  
 3 read as follows:

4       “(c) EDUCATION AND EXPERIENCE REQUIRE-  
 5 MENTS.—(1) An officer may not be designated as a joint  
 6 qualified officer until the officer—

7               “(A)(i) successfully completes an appropriate  
 8 program at a joint professional military education  
 9 school; and

10              “(ii) successfully completes a full tour of duty  
 11 in a joint duty assignment (as described in section  
 12 664(f) of this title (other than in paragraph (2) of  
 13 such section)); or

14              “(B) under regulations and policy prescribed by  
 15 the Secretary of Defense, successfully demonstrates  
 16 a mastery of knowledge, skills, and abilities in joint  
 17 matters.

18       “(2)(A) In the case of an officer who has completed  
 19 two full tours of duty in a joint duty assignment (as de-  
 20 scribed in section 664(f) of this title) and demonstrates  
 21 a mastery of knowledge, skills, and abilities on joint mat-  
 22 ters, the Secretary of Defense may waive the requirement  
 23 that the officer have successfully completed a program of  
 24 education referred to in paragraph (1)(A)(i) if the Sec-  
 25 retary determines that the types of joint duty experiences

1 completed by the officer have been of sufficient breadth  
2 to prepare the officer adequately for the highest level of  
3 joint qualification.

4 “(B) The authority of the Secretary of Defense to  
5 grant a waiver under subparagraph (A) may be delegated  
6 only to the Under Secretary of Defense for Personnel and  
7 Readiness.

8 “(C)(i) A waiver under subparagraph (A) may be  
9 granted only on a case-by-case basis.

10 “(ii) A waiver under subparagraph (A) may be grant-  
11 ed only under circumstances justifying variation from the  
12 requirements of paragraph (1) for designation of an offi-  
13 cer for the highest level of joint qualification as specified  
14 by the Secretary of Defense.

15 “(iii) In the case of a general or flag officer, a waiver  
16 under subparagraph (A) may be granted only under cir-  
17 cumstances described in clause (ii) and circumstances in  
18 which the waiver is necessary to meet a critical need of  
19 the Armed Forces, as determined by the Chairman of the  
20 Joint Chiefs of Staff.

21 “(iv) In the case of officers in grades below brigadier  
22 general or rear admiral (lower half), the total number of  
23 waivers granted under subparagraph (A) for officers in the  
24 same pay grade during a fiscal year may not exceed 10  
25 percent of the total number of officers in that pay grade

1 selected for the highest level of joint qualification during  
2 that fiscal year.

3 “(D) There may not be more than 32 general and  
4 flag officers on active duty at the same time who were  
5 selected for the joint specialty or highest level of joint  
6 qualification while holding a general or flag officer grade  
7 and for whom a waiver was granted under subparagraph  
8 (A).”.

9 (d) NUMBER OF JOINT DUTY ASSIGNMENTS.—Sub-  
10 section (d) of such section is amended to read as follows:

11 “(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1)  
12 The Secretary of Defense shall ensure that approximately  
13 one-half of the joint duty assignment positions in grades  
14 above major or, in the case of the Navy, lieutenant com-  
15 mander are filled at any time by officers who have the  
16 highest level of joint qualification.

17 “(2) The Secretary of Defense, with the advice of the  
18 Chairman of the Joint Chiefs of Staff, shall designate an  
19 appropriate number of joint duty assignment positions as  
20 critical joint duty assignment positions. A position may  
21 be designated as a critical joint duty assignment position  
22 only if the duties and responsibilities of the position make  
23 it important that the occupant be particularly trained in,  
24 and oriented toward, joint matters.

1       “(3)(A) Except as provided in subparagraph (B), a  
 2 position designated under paragraph (2) may be held only  
 3 by an officer who has the highest level of joint qualifica-  
 4 tion.

5       “(B) The Secretary of Defense may waive the re-  
 6 quirement in subparagraph (A) with respect to the assign-  
 7 ment of an officer to a position designated under para-  
 8 graph (1). Any such waiver shall be granted on a case-  
 9 by-case basis. The authority of the Secretary to grant such  
 10 a waiver may be delegated only to the Chairman of the  
 11 Joint Chiefs of Staff.

12       “(4) The Secretary of Defense shall ensure that, of  
 13 those joint duty assignment positions that are filled by  
 14 general or flag officers, a substantial portion are among  
 15 those positions that are designated under paragraph (2)  
 16 as critical joint duty assignment positions.”.

17       (e) CAREER GUIDELINES.—Subsection (e) of such  
 18 section is amended by striking “officers with the joint spe-  
 19 cialty” and inserting “officers who are joint qualified offi-  
 20 cers”.

21       (f) TREATMENT OF CERTAIN SERVICE.—Subsection  
 22 (f) of such section is amended by striking “(including sec-  
 23 tion 619(e)(1) of this title)”.

24       (g) CLERICAL AMENDMENT.—The table of sections  
 25 at the beginning of chapter 38 of such title is amended

1 by striking the item relating to section 661 and inserting  
 2 the following new item:

“661. Management policies for joint qualified officers.”.

3 **SEC. 527. MODIFICATION OF PROMOTION POLICY OBJEC-**  
 4 **TIVES FOR JOINT OFFICERS.**

5 Section 662(a) of title 10, United States Code, is  
 6 amended—

7 (1) in paragraph (1), by inserting “and” after  
 8 the semicolon; and

9 (2) by striking paragraphs (2) and (3) and in-  
 10 serting the following new paragraph (2):

11 “(2) officers who are serving in or have served  
 12 in joint duty assignments are expected, as a group,  
 13 to be promoted to the next higher grade at a rate  
 14 not less than the rate for all officers of the same  
 15 armed force in the same grade and competitive cat-  
 16 egory.”.

17 **SEC. 528. APPLICABILITY OF JOINT DUTY ASSIGNMENT RE-**  
 18 **QUIREMENTS LIMITED TO GRADUATES OF**  
 19 **NATIONAL DEFENSE UNIVERSITY SCHOOLS.**

20 (a) APPLICABILITY.—Section 663 of title 10, United  
 21 States Code, is amended—

22 (1) in subsection (a), by striking “a joint pro-  
 23 fessional military education school” and inserting “a  
 24 school within the National Defense University”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “a joint  
 2 professional military education school” and in-  
 3 serting “a school within the National Defense  
 4 University”; and

5 (B) in paragraph (2), by striking “a joint  
 6 professional military education school” and in-  
 7 serting “a school referred to in paragraph (1)”.

8 (b) DEFINITION.—Such section is further amended  
 9 by adding at the end the following new subsection:

10 “(c) SCHOOL WITHIN THE NATIONAL DEFENSE UNI-  
 11 VERSITY.—For purposes of this section, a school within  
 12 the National Defense University includes a school as fol-  
 13 lows:

14 “(1) The National War College.

15 “(2) The Industrial College of the Armed  
 16 Forces.

17 “(3) The Joint Advanced Warfighting School.

18 “(4) The Joint Forces Staff College.”.

19 **SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO**  
 20 **JOINTNESS.**

21 (a) MODIFICATION OF DEFINITION OF “JOINT MAT-  
 22 TERS”.—Subsection (a) of section 668 of title 10, United  
 23 States Code, is amended to read as follows:

24 “(a) JOINT MATTERS.—In this chapter, the term  
 25 ‘joint matters’ means matters involving the integrated use



1 of military forces relating to national military strategy,  
 2 strategic and contingency planning, and command and  
 3 control of operations under unified command that may be  
 4 conducted under unified action on land, sea, or air, in  
 5 space, or in the information environment with participants  
 6 from multiple armed forces, the armed forces and other  
 7 departments and agencies of the United States Govern-  
 8 ment, the armed forces and the military forces or agencies  
 9 of other countries, the armed forces and non-governmental  
 10 persons or entities, or any combination thereof.”.

11 (b) MODIFICATION OF DEFINITION OF “JOINT DUTY  
 12 ASSIGNMENT”.—Paragraph (1) of subsection (b) of such  
 13 section is amended by striking “and shall exclude” and  
 14 all that follows and inserting a period.

15 (c) RESTATEMENT OF DEFINITION OF “CRITICAL  
 16 OCCUPATIONAL SPECIALTY”.—

17 (1) IN GENERAL.—Section 668 of such title is  
 18 further amended by adding at the end the following  
 19 new subsection:

20 “(d) CRITICAL OCCUPATIONAL SPECIALTY.—In this  
 21 chapter, the term ‘critical occupational specialty’ means  
 22 a military occupational specialty within a combat arm of  
 23 the Army, or an equivalent arm of the Navy, Air Force,  
 24 and Marine Corps, that is designated by the Secretary of  
 25 Defense as a critical occupational specialty because such

1 combat arm is experiencing a severe shortage of trained  
2 officers in that military occupational specialty.”.

3 (2) CONFORMING AMENDMENTS.—The fol-  
4 lowing provisions of such title are each amended by  
5 striking “under section 661(c)(2) of this title”:

6 (A) Section 664(c)(2).

7 (B) Section 667(3).

8 **SEC. 530. CONDITION ON APPOINTMENT OF COMMIS-**  
9 **SIONED OFFICERS TO POSITION OF DIREC-**  
10 **TOR OF NATIONAL INTELLIGENCE OR DIREC-**  
11 **TOR OF THE CENTRAL INTELLIGENCE AGEN-**  
12 **CY.**

13 (a) CONDITION.—

14 (1) IN GENERAL.—Chapter 32 of title 10,  
15 United States Code, is amended by adding at the  
16 end the following new section:

17 **“§ 529. Condition on appointment to certain posi-**  
18 **tions: Director of National Intelligence;**  
19 **Director of the Central Intelligence Agen-**  
20 **cy**

21 “As a condition of appointment to the position of Di-  
22 rector of National Intelligence or Director of the Central  
23 Intelligence Agency, an officer shall acknowledge that  
24 upon termination of service in such position the officer

1 shall be retired in accordance with section 1253 of this  
2 title.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 32 of such title is  
5 amended by adding at the end the following new  
6 item:

“529. Condition on appointment to certain positions: Director of National Intel-  
ligence; Director of the Central Intelligence Agency.”.

7 (b) RETIREMENT.—

8 (1) IN GENERAL.—Chapter 63 of title 10,  
9 United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 1253. Mandatory retirement: Director of National**  
12 **Intelligence; Director of the Central Intel-**  
13 **ligence Agency**

14 “Upon termination of the appointment of an officer  
15 to the position of Director of National Intelligence or Di-  
16 rector of the Central Intelligence Agency, the Secretary  
17 of the military department concerned shall retire the offi-  
18 cer under any provision of this title under which the officer  
19 is eligible to retire.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-  
21 tions at the beginning of chapter 63 of such title is  
22 amended by adding at the end the following new  
23 item:

“1253. Mandatory retirement: Director of National Intelligence; Director of the  
Central Intelligence Agency.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on the date of the enactment  
 3 of this Act, and shall apply with respect to appointments  
 4 of commissioned officers of the Armed Forces to the posi-  
 5 tion of Director of National Intelligence or Director of the  
 6 Central Intelligence Agency on or after that date.

## 7 **Subtitle B—Reserve Component** 8 **Personnel Matters**

### 9 **SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT** 10 **OF RESERVE COMPONENT PERSONNEL.**

11 (a) CLARIFICATION OF DEFINITION OF “ACTIVE  
 12 GUARD AND RESERVE DUTY” UNDER TITLE 10, UNITED  
 13 STATES CODE.—Section 101(d)(6)(A) of title 10, United  
 14 States Code, is amended—

15 (1) by striking “or full-time National Guard  
 16 duty” the first place it appears;

17 (2) by striking “to active duty or” and inserting  
 18 “to”;

19 (3) by striking “Guard, pursuant” and insert-  
 20 ing “Guard pursuant”; and

21 (4) by inserting a comma before “for a period”.

22 (b) EXPANSION OF ACTIVE GUARD AND RESERVE  
 23 DUTY TO INCLUDE SUPPORT OF RESERVE COMPONENT  
 24 OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-

1 ING.—Section 12310 of title 10, United States Code, is  
 2 amended—

3 (1) by redesignating subsections (c) and (d) as  
 4 subsections (d) and (e), respectively;

5 (2) by striking subsections (a) and (b) and in-  
 6 serting the following new subsections:

7 “(a) ACTIVE GUARD AND RESERVE DUTY.—The Sec-  
 8 retary concerned may order a Reserve ordered to or re-  
 9 tained on active duty under section 12301(d) of this title  
 10 to perform active Guard and Reserve duty.

11 “(b) ADDITIONAL DUTIES.—A Reserve on active  
 12 duty as described in subsection (a) who is performing ac-  
 13 tive Guard and Reserve duty pursuant to an order under  
 14 that subsection may be assigned additional duties (to the  
 15 extent such duties do not interfere with the performance  
 16 by the Reserve of active Guard and Reserve duty under  
 17 that subsection) as follows:

18 “(1) Supporting operations or missions as-  
 19 signed in whole or in part to the reserve compo-  
 20 nents.

21 “(2) Supporting operations or missions per-  
 22 formed or to be performed by—

23 “(A) a unit composed of elements from  
 24 more than one component of the same armed  
 25 force; or

1 “(B) a joint forces unit that includes—

2 “(i) one or more reserve component  
3 units; or

4 “(ii) a member of a reserve compo-  
5 nent whose reserve component assignment  
6 is in a position in an element of the joint  
7 forces unit.

8 “(3) Advising the Secretary of Defense, the  
9 Secretaries of the military departments, the Joint  
10 Chiefs of Staff, and the commanders of the combat-  
11 ant commands on reserve component matters.

12 “(4) Instructing or training members of the  
13 armed forces on active duty, members of foreign  
14 military forces (under authorities and limitations ap-  
15 plicable to the provision of such instruction or train-  
16 ing by members of the Armed Forces on active  
17 duty), Department of Defense contractor personnel,  
18 and Department of Defense civilian employees.

19 “(c) GRADE WHEN ORDERED TO ACTIVE DUTY.—  
20 A Reserve ordered to active duty under subsection (a)  
21 shall be ordered in his reserve grade. While so serving,  
22 he continues to be eligible for promotion as a Reserve, if  
23 he is otherwise qualified.”; and

24 (3) in paragraph (1) of subsection (d), as so  
25 redesignated—

1 (A) by striking “Notwithstanding sub-  
 2 section (b), a Reserve” and inserting “A Re-  
 3 serve”; and

4 (B) by striking “functions” and inserting  
 5 “duty”.

6 (c) EXPANSION OF DUTIES OF MILITARY TECHNI-  
 7 CIANS (DUAL STATUS).—

8 (1) GENERAL DUTIES.—Section 10216(a)(1)(C)  
 9 of such title is amended by striking “administration  
 10 and” and inserting “organizing, administering, in-  
 11 structing, or”.

12 (2) SUPPORT OF RESERVE COMPONENT OPER-  
 13 ATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-  
 14 ING.—Chapter 1007 of such title is amended by in-  
 15 serting after section 10216 the following new sec-  
 16 tion:

17 **“§ 10216a. Military technicians (dual status): addi-**  
 18 **tional duties**

19 “A military technician (dual status) who is employed  
 20 under section 3101 of title 5 may perform additional du-  
 21 ties (to the extent such duties do not interfere with the  
 22 performance by the military technician of duties assigned  
 23 under section 10216(a)(1)(C) of this title) as follows:

1           “(1) Supporting operations or missions as-  
2           signed in whole or in part to the military techni-  
3           cian’s unit.

4           “(2) Supporting operations or missions per-  
5           formed or to be performed by—

6                 “(A) a unit composed of elements from  
7                 more than one component of the military tech-  
8                 nician’s armed force; or

9                 “(B) a joint forces unit that includes—

10                         “(i) one or more units of the military  
11                         technician’s reserve component; or

12                         “(ii) a member of the military techni-  
13                         cian’s reserve component whose reserve  
14                         component assignment is in a position in  
15                         an element of the joint forces unit.

16           “(3) Instructing or training members of the  
17           Armed Forces on active duty, members of foreign  
18           military forces (under authorities and limitations ap-  
19           plicable to the provision of such instruction or train-  
20           ing by members of the Armed Forces on active  
21           duty), Department of Defense contractor personnel,  
22           and Department of Defense civilian employees.”.

23           (3) CLERICAL AMENDMENT.—The table of sec-  
24           tions at the beginning of chapter 1007 of such title



1 is amended by inserting after the item relating to  
 2 section 10216 the following new item:

“10216a. Military technicians (dual status): additional duties.”.

3 (d) ORDER OF NATIONAL GUARD MEMBERS TO PER-  
 4 FORM NATIONAL GUARD ACTIVE GUARD AND RESERVE  
 5 DUTY AND ADDITIONAL DUTIES.—

6 (1) DEFINITION OF “NATIONAL GUARD ACTIVE  
 7 GUARD AND RESERVE DUTY”.—Section 101 of title  
 8 32, United States Code, is amended by adding at  
 9 the end the following:

10 “(20)(A) ‘National Guard active Guard and Re-  
 11 serve duty’ means full-time National Guard duty  
 12 performed by a member of the National Guard pur-  
 13 suant to an order to full-time National Guard duty,  
 14 for a period of 180 consecutive days or more for the  
 15 purpose of organizing, administering, recruiting, in-  
 16 structing, or training the reserve components.

17 “(B) Such term does not include the following:

18 “(i) Duty performed as a member of the  
 19 Reserve Forces Policy Board under section  
 20 10301 of title 10.

21 “(ii) Duty performed as a property and fis-  
 22 cal officer under section 708 of this title.

23 “(iii) Duty performed for the purpose of  
 24 interdiction and counter-drug activities for

1           which funds have been provided under section  
2           112 of this title.

3           “(iv) Duty performed as a general or flag  
4           officer.

5           “(v) Service as a State director of the Se-  
6           lective Service System under section 10(b)(2) of  
7           the Military Selective Service Act (50 U.S.C.  
8           App. 460(b)(2)).”.

9           (2) ORDER TO PERFORM DUTY.—Chapter 3 of  
10          such title is amended by adding at the end the fol-  
11          lowing new section:

12       **“§ 328. National Guard active Guard and Reserve**  
13               **duty; additional duties**

14          “(a) AUTHORITY TO ORDER TO DUTY.—The Gov-  
15       ernor of his State or Territory or Puerto Rico, or com-  
16       manding general of the District of Columbia National  
17       Guard, as the case may be, with the consent of the Sec-  
18       retary concerned, may order a member of the National  
19       Guard to perform National Guard active Guard and Re-  
20       serve duty.

21          “(b) NATURE OF DUTY.—(1) A member of the Na-  
22       tional Guard may be ordered to perform duty under sub-  
23       section (a)—

24               “(A) without his consent, but with the pay and  
25       allowances provided by law; or

1           “(B) with his consent, either with or without  
2       pay and allowances.

3       “(2) Duty without pay shall be considered for all pur-  
4       poses as if it were duty with pay.

5       “(c) DUTIES.—A member of the National Guard per-  
6       forming duty under subsection (a) may perform the fol-  
7       lowing additional duties (to the extent such duties do not  
8       interfere with the performance by the member of National  
9       Guard active Guard and Reserve duty under that sub-  
10      section) as follows:

11           “(1) Support of operations or missions under-  
12      taken by the member’s unit at the request of the  
13      President or the Secretary of Defense.

14           “(2) Support of Federal training operations or  
15      Federal training missions assigned in whole or in  
16      part to the member’s unit.

17           “(3) Instructing or training members of the  
18      Armed Forces on active duty, members of foreign  
19      military forces (under authorities and limitations ap-  
20      plicable to the provision of such instruction or train-  
21      ing by members of the Armed Forces on active  
22      duty), Department of Defense contractor personnel,  
23      and Department of Defense civilian employees.”.

1           (3) CLERICAL AMENDMENT.—The table of sec-  
 2           tions at the beginning of such chapter is amended  
 3           by adding at the end the following new item:

“328. National Guard active Guard and Reserve duty; additional duties.”.

4           (e) EXPANSION OF DUTIES OF NATIONAL GUARD  
 5           TECHNICIANS.—Section 709(a) of such title is amended—

6           (1) in paragraph (1)—

7                   (A) by striking “administration and” and  
 8                   inserting “organizing, administering, instruct-  
 9                   ing, or”; and

10                   (B) by striking “and” at the end;

11           (2) in paragraph (2), by striking the period at  
 12           the end and inserting “; and”; and

13           (3) by adding at the end the following new  
 14           paragraph:

15                   “(3) the performance of additional duties (to  
 16                   the extent such duties do not interfere with the per-  
 17                   formance by the technician of duties under para-  
 18                   graphs (1) and (2)) as follows:

19                           “(A) Support of operations or missions un-  
 20                           dertaken by the technician’s unit at the request  
 21                           of the President or the Secretary of Defense.

22                           “(B) Support of Federal training oper-  
 23                           ations or Federal training missions assigned in  
 24                           whole or in part to the technician’s unit.

“(C) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.”.

**SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RE-SERVES UNDER WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) IN GENERAL.—Subsection (d) of section 12310 of title 10, United States Code, as redesignated and amended by section 531(b) of this Act, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “in the United States, Canada, or the United Mexican States” after “title”;

(ii) by striking “or” at the end;

(B) in subparagraph (B)—

(i) by inserting “, Canada, or the United Mexican States” after “United States”; and

1 (ii) by striking the period at the end  
2 and inserting a semicolon; and

3 (C) by adding at the end the following new  
4 subparagraphs:

5 “(C) the intentional or unintentional release of  
6 nuclear, biological, radiological, or toxic or poisonous  
7 chemical materials in the United States, Canada, or  
8 the United Mexican States that results, or could re-  
9 sult, in catastrophic loss of life or property; or

10 “(D) a natural or manmade disaster in the  
11 United States, Canada, or the United Mexican  
12 States that results, or could result, in catastrophic  
13 loss of life or property.”; and

14 (2) by striking paragraph (3) and inserting the  
15 following new paragraph (3):

16 “(3)(A) A Reserve may perform duties described in  
17 subparagraph (A), (B), or (C) of paragraph (1)—

18 “(i) only while assigned to a reserve component  
19 civil support team; and

20 “(ii) if performing those duties in Canada or  
21 the United Mexican States, only after being ordered  
22 to active duty under this title.

23 “(B) A Reserve may perform the duties described in  
24 paragraph (1)(D)—

1           “(i) only while assigned to a reserve component  
2       civil support team;

3           “(ii) only with the approval of the Secretary of  
4       Defense; and

5           “(iii) if performing those duties in Canada or  
6       the United Mexican States, only after being ordered  
7       to active duty under this title.

8       “(C) Any duties described in paragraph (1) that are  
9       performed in Canada or the United Mexican States may  
10      occur, with consultation of the Secretary of State, at any  
11      distance beyond the borders of the United States with  
12      such country as is agreed to by appropriate authorities  
13      in such country.”.

14       (b) DEFINITION OF “UNITED STATES”.—Such sub-  
15      section is further amended by adding at the end the fol-  
16      lowing new paragraph:

17       “(7) In this subsection, the term ‘United States’  
18      means each of the several States, the District of Columbia,  
19      Puerto Rico, Guam, and the Virgin Islands.”.

20       (c) CONFORMING AMENDMENTS.—Such subsection is  
21      further amended—

22           (1) in the heading, by inserting “, TERRORIST  
23      ATTACK, AND NATURAL OR MANMADE DISASTER”  
24      after “MASS DESTRUCTION”;

1           (2) in paragraph (5), by striking “rapid assess-  
 2           ment element team” and inserting “civil support  
 3           team”; and

4           (3) in paragraph (6)(B), by striking “para-  
 5           graph (3)(B)” and inserting “that paragraph”.

6 **SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO**  
 7 **THE COMMISSION ON THE NATIONAL GUARD**  
 8 **AND RESERVES.**

9           (a) ANNUITIES AND PAY OF MEMBERS ON FEDERAL  
 10 REEMPLOYMENT.—Subsection (e) of section 513 of the  
 11 Ronald W. Reagan National Defense Authorization Act  
 12 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 13 1882), as amended by section 516 of the National Defense  
 14 Authorization Act for Fiscal Year 2006 (Public Law 109–  
 15 163; 119 Stat. 3237), is further amended by adding at  
 16 the end the following new paragraph:

17           “(3) If warranted by circumstances described in sub-  
 18 paragraph (A) or (B) of section 8344(i)(1) of title 5,  
 19 United States Code, or by circumstances described in sub-  
 20 paragraph (A) or (B) of section 8468(f)(1) of such title,  
 21 as applicable, the chairman of the Commission may exer-  
 22 cise, with respect to the members of the Commission, the  
 23 same waiver authority as would be available to the Direc-  
 24 tor of the Office of Personnel Management under such  
 25 section.”.



1 (b) FINAL REPORT.—Subsection (f)(2) of such sec-  
 2 tion 513 is amended by striking “one year” and inserting  
 3 “18 months”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall be effective on October 28, 2004, as if  
 6 included in the enactment of the Ronald W. Reagan Na-  
 7 tional Defense Authorization Act for Fiscal Year 2005.  
 8 The amendment made by subsection (a) shall apply to  
 9 members of the Commission on the National Guard and  
 10 Reserves appointed on or after that date.

11 **SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEM-**  
 12 **BERS OF THE NATIONAL GUARD INTO CIVIL-**  
 13 **IAN LIFE AFTER DEPLOYMENT.**

14 (a) PILOT PROGRAM REQUIRED.—The Secretary of  
 15 the Army shall carry out a pilot program to assess the  
 16 feasibility and advisability of utilizing the mechanisms  
 17 specified in this section to facilitate the reintegration of  
 18 members of the National Guard into civilian life after their  
 19 return from deployment overseas.

20 (b) LIMITATION ON LOCATION.—The pilot program  
 21 required by subsection (a) may only be carried out in a  
 22 State that has a National Guard brigade that is returning  
 23 from deployment overseas during the period of the pilot  
 24 program.

1       (c) PROGRAM ELEMENTS.—The mechanisms under  
2 the pilot program required by subsection (a) shall include  
3 the following:

4           (1) INITIAL REINTEGRATION TRAINING.—Train-  
5 ing (to be known as “initial reintegration training”)  
6 of members of the National Guard described in sub-  
7 section (a) to facilitate the reintegration of such  
8 members with their families and communities after  
9 their return from deployment as described in that  
10 subsection. Such training shall be conducted imme-  
11 diately after the return of such members from such  
12 deployment. Participation in such training shall be  
13 voluntary.

14          (2) 30-DAY REINTEGRATION TRAINING.—Train-  
15 ing (to be known as “30-day reintegration training”)  
16 of members of the National Guard described in sub-  
17 section (a) to assist such members in identifying the  
18 signs and symptoms of combat stress. Such training  
19 shall be conducted approximately 30 days after pro-  
20 vision of training under paragraph (1). Participation  
21 in such training shall be voluntary.

22          (3) 60-DAY REINTEGRATION TRAINING.—Train-  
23 ing (to be known as “60-day reintegration training”)  
24 of members of the National Guard described in sub-  
25 section (a) to assist such members in matters relat-

1       ing to combat stress, including chemical dependency,  
2       anger management, and gambling abuse. Such train-  
3       ing shall be conducted approximately 30 days after  
4       provision of training under paragraph (2). Participa-  
5       tion in such training shall be voluntary.

6               (4) 90-DAY REINTEGRATION TRAINING.—Train-  
7       ing (to be known as “90-day reintegration training”)  
8       of members of the National Guard described in sub-  
9       section (a) to ensure a thorough physical and mental  
10      health assessment of such members after deployment  
11      as described in that subsection. Such training shall  
12      be conducted approximately 30 days after provision  
13      of training under paragraph (3). Participation in  
14      such training shall be voluntary.

15             (5) EDUCATIONAL MATERIALS.—The develop-  
16      ment and distribution of educational materials for  
17      families of members of the National Guard described  
18      in subsection (a), and for the communities in which  
19      such members and families reside, on matters relat-  
20      ing to the reintegration of such members into civil-  
21      ian life after their return from deployment overseas.

22             (d) REPORT.—Not later than one year after the com-  
23      mencement of the pilot program required by subsection  
24      (a), the Secretary shall submit to the congressional de-

1 fense committees a report on the pilot program. The re-  
 2 port shall include—

3 (1) a description of the activities undertaken  
 4 under the pilot program;

5 (2) an assessment of the effectiveness of such  
 6 mechanisms in facilitating the reintegration of mem-  
 7 bers of the National Guard into civilian life after  
 8 their return from deployment overseas; and

9 (3) such recommendations for legislative or ad-  
 10 ministrative action as the Secretary considers appro-  
 11 priate in light of the pilot program.

12 (e) FUNDING.—Of the amount authorized to be ap-  
 13 propriated by section 301(10) for operation and mainte-  
 14 nance for the Army National Guard, \$6,663,000 may be  
 15 available for the pilot program required by subsection (a).

## 16 **Subtitle C—Military Justice and** 17 **Related Matters**

18 **SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY**  
 19 **JUSTICE TO MEMBERS OF THE ARMED**  
 20 **FORCES ORDERED TO ACTIVE DUTY OVER-**  
 21 **SEAS IN INACTIVE DUTY FOR TRAINING STA-**  
 22 **TUS.**

23 Not later than March 1, 2007, the Secretaries of the  
 24 military departments shall prescribe regulations, or amend  
 25 current regulations, in order to provide that officers and

1 enlisted personnel of the Armed Forces who are ordered  
 2 to active duty at locations overseas in an inactive duty for  
 3 training status are subject to the jurisdiction of the Uni-  
 4 form Code of Military Justice, pursuant to the provisions  
 5 of section 802(a)(3) of title 10, United States Code (arti-  
 6 cle 2(a)(3) of the Uniform Code of Military Justice), con-  
 7 tinuously from the commencement of execution of such or-  
 8 ders to the conclusion of such orders.

9 **SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM**  
 10 **CODE OF MILITARY JUSTICE DURING A TIME**  
 11 **OF WAR.**

12 Paragraph (10) of section 802(a) of title 10, United  
 13 States Code (article 2(a) of the Uniform Code of Military  
 14 Justice), is amended by striking “war” and inserting “de-  
 15 clared war or a contingency operation”.

16 **Subtitle D—Education and**  
 17 **Training Matters**

18 **SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STU-**  
 19 **DENTS AT MEDICAL SCHOOLS.**

20 (a) IN GENERAL.—Chapter 101 of title 10, United  
 21 States Code, is amended by inserting after section 2004  
 22 the following new section:

1 **“§ 2004a. Detail of commissioned officers as students**  
2 **at medical schools**

3 “(a) DETAIL AUTHORIZED.—The Secretary of each  
4 military department may detail commissioned officers of  
5 the Armed Forces as students at accredited medical  
6 schools or schools of osteopathy located in the United  
7 States for a period of training leading to the degree of  
8 doctor of medicine. No more than 25 officers from each  
9 military department may commence such training in any  
10 single fiscal year.

11 “(b) ELIGIBILITY FOR DETAIL.—To be eligible for  
12 detail under subsection (a), an officer must be a citizen  
13 of the United States and must—

14 “(1) have served on active duty for a period of  
15 not less than two years nor more than six years and  
16 be in the pay grade 0–3 or below as of the time the  
17 training is to begin; and

18 “(2) sign an agreement that unless sooner sepa-  
19 rated the officer will—

20 “(A) complete the educational course of  
21 medical training;

22 “(B) accept transfer or detail as a medical  
23 officer within the military department con-  
24 cerned when the officer’s training is completed;  
25 and

1           “(C) agree to serve on active duty fol-  
2           lowing completion of training for a period of  
3           two years for each year or part thereof of the  
4           officer’s medical training under subsection (a).

5           “(c) SELECTION OF OFFICERS FOR DETAIL.—Offi-  
6           cers detailed for medical training under subsection (a)  
7           shall be selected on a competitive basis by the Secretary  
8           of the military department concerned.

9           “(d) RELATION OF SERVICE OBLIGATIONS TO  
10          OTHER SERVICE OBLIGATIONS.—Any service obligation  
11          incurred by an officer under an agreement entered into  
12          under subsection (b) shall be in addition to any service  
13          obligation incurred by the officer under any other provi-  
14          sion of law or agreement.

15          “(e) EXPENSES.—Expenses incident to the detail of  
16          officers under this section shall be paid from any funds  
17          appropriated for the military department concerned.

18          “(f) FAILURE TO COMPLETE PROGRAM.—(1) An of-  
19          ficer who is dropped from a program of medical training  
20          to which detailed under subsection (a) for deficiency in  
21          conduct or studies, or for other reasons, may be required  
22          to perform active duty in an appropriate military capacity  
23          in accordance with the active duty obligation imposed on  
24          the officer under regulations issued by the Secretary of  
25          Defense for purposes of this section.

1       “(2) In no case shall an officer be required to serve  
 2 on active duty under this subsection for any period in ex-  
 3 cess of one year for each year or part thereof the officer  
 4 participated in the program.

5       “(g) LIMITATION ON DETAILS.—(1) No agreement  
 6 detailing an officer of the Armed Forces to an accredited  
 7 medical school or school of osteopathy may be entered into  
 8 during any period in which the President is authorized by  
 9 law to induct persons into the Armed Forces involuntarily.

10       “(2) Nothing in this subsection shall affect any agree-  
 11 ment entered into during any period when the President  
 12 is not authorized by law to so induct persons into the  
 13 Armed Forces.”.

14       (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 101 of such title is amended  
 16 by inserting after the item relating to section 2004 the  
 17 following new item:

“2004a. Detail of commissioned officers as students at medical schools.”.

18 **SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR**  
 19 **RESERVE OFFICERS’ TRAINING CORPS IN-**  
 20 **STRUCTION.**

21       (a) ELIGIBILITY OF RETIRED MEMBERS OF NA-  
 22 TIONAL GUARD AND RESERVES.—Section 2031 of title  
 23 10, United States Code, is amended by adding at the end  
 24 the following new subsection:



1       “(e) Instead of, or in addition to, the detailing of ac-  
 2       tive duty officers and noncommissioned officers under sub-  
 3       section (c)(1), and the employment of retired officers, non-  
 4       commissioned officers, and members of the Fleet Reserve  
 5       and Fleet Marine Corps Reserve under subsection (d), the  
 6       Secretary of the military department concerned may au-  
 7       thorize qualified institutions to employ as administrators  
 8       and instructors in the program retired officers and non-  
 9       commissioned officers who qualify for retired pay for non-  
 10      regular service under section 12731 of this title (other  
 11      than those who qualify for age under subsection (a)(1) of  
 12      such section) whose qualifications are approved by the  
 13      Secretary and the institution concerned and who request  
 14      such employment, subject to the following:

15           “(1) The Secretary shall pay to the institution  
 16      an amount equal to one-half of the amount paid to  
 17      the member by the institution for any period up to  
 18      a maximum of one-half of the difference between the  
 19      retired or retainer pay for an active duty officer or  
 20      noncommissioned officer of the same grade and years  
 21      of service for such period and the active duty pay  
 22      and allowances which the member would have re-  
 23      ceived for such period if on active duty. Amounts  
 24      may be paid with respect to members under this  
 25      subsection after such members reach the age of 60.

1        Payments by the Secretary under this paragraph  
 2        shall be made from funds appropriated for that pur-  
 3        pose.

4            “(2) Notwithstanding any other provision of  
 5        law, such a member is not, while so employed, con-  
 6        sidered to be on active duty or inactive duty training  
 7        for any purpose.”.

8        (b) CLARIFICATION OF STATUS OF RETIRED MEM-  
 9        BERS CURRENTLY PROVIDING INSTRUCTION.—Subsection  
 10       (d) of such section is amended in the matter preceding  
 11       paragraph (1) by striking “and noncommissioned officers,  
 12       and members of the Fleet Reserve and Fleet Marine Corps  
 13       Reserve” and inserting “, noncommissioned officers, and  
 14       members of the Fleet Reserve and Fleet Marine Corps Re-  
 15       serve who are drawing retired or retained pay”.

16       **SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT**  
 17                                **UNDER EDUCATION LOAN REPAYMENT FOR**  
 18                                **OFFICERS IN SPECIFIED HEALTH PROFES-**  
 19                                **SIONS.**

20        (a) INCREASE IN MAXIMUM AMOUNT.—Section  
 21        2173(e)(2) of title 10, United States Code, is amended  
 22        by striking “\$22,000” and inserting “\$60,000”.

23        (b) EFFECTIVE DATE.—

24            (1) IN GENERAL.—The amendment made by  
 25        subsection (a) shall take effect on October 1, 2006,

1 and shall apply with respect agreements entered into  
 2 under section 2173 of title 10, United States Code,  
 3 on or after that date.

4 (2) PROHIBITION ON ADJUSTMENT.—The ad-  
 5 justment required by the second sentence of section  
 6 2173(e)(2) of title 10, United States Code, to be  
 7 made on October 1, 2006, shall not be made.

8 **SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFES-**  
 9 **SIONS SCHOLARSHIP AND FINANCIAL ASSIST-**  
 10 **ANCE PROGRAM.**

11 (a) STIPEND.—Section 2121(d) of title 10, United  
 12 States Code, is amended—

13 (1) by striking “the rate of \$579 per month”  
 14 and inserting “in an amount not to exceed \$30,000  
 15 per year”; and

16 (2) by striking “That rate” and inserting “The  
 17 maximum amount of the stipend”.

18 (b) ANNUAL GRANT.—Section 2127(e) of such title  
 19 is amended—

20 (1) by striking “\$15,000” and inserting “in an  
 21 amount not to exceed \$45,000”; and

22 (2) by striking “The amount” and inserting  
 23 “The maximum amount”.

24 (c) EFFECTIVE DATE.—The amendments made by  
 25 this section shall take effect on October 1, 2006.

1 (d) PROHIBITION ON ADJUSTMENTS IN 2007.—No  
 2 adjustment under subsection (d) of section 2122 of title  
 3 10, United States Code, in the maximum amount of the  
 4 stipend payable under such section 2122, and no adjust-  
 5 ment under subsection (e) of section 2127 of such title  
 6 in the maximum amount of the annual grant payable  
 7 under such section 2127, shall be made in 2007.

8 **SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLAR-**  
 9 **SHIP AND FINANCIAL ASSISTANCE PROGRAM.**

10 (a) REPORT REQUIRED.—Not later than March 1,  
 11 2007, the Secretary of Defense shall submit to the con-  
 12 gressional defense committees a report on the health pro-  
 13 fessions scholarship and financial assistance program for  
 14 active service under subchapter I of chapter 105 of title  
 15 10, United States Code.

16 (b) ELEMENTS.—The report required by subsection  
 17 (a) shall include the following:

18 (1) An assessment of the success of each mili-  
 19 tary department in achieving its recruiting goals  
 20 under the health professions scholarship and finan-  
 21 cial assistance program for active service during  
 22 each of fiscal years 2000 through 2006.

23 (2) If any military department failed to achieve  
 24 its recruiting goals under the program during any  
 25 fiscal year covered by paragraph (1), an explanation

1 of the failure of the military department to achieve  
 2 such goal during such fiscal year.

3 (3) An assessment of the adequacy of the sti-  
 4 pend authorized by section 2121(d) of title 10,  
 5 United States Code, in meeting the objectives of the  
 6 program.

7 (4) Such recommendations for legislative or ad-  
 8 ministrative action as the Secretary considers appro-  
 9 priate to enhance the effectiveness of the program in  
 10 meeting the annual recruiting goals of the military  
 11 departments for medical personnel covered by the  
 12 program.

13 **SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE**  
 14 **NAVAL POSTGRADUATE SCHOOL FOR EN-**  
 15 **LISTED MEMBERS OF THE ARMED FORCES.**

16 (a) CERTIFICATE PROGRAMS AND COURSES.—Sub-  
 17 paragraph (C) of subsection (a)(2) of section 7045 of title  
 18 10, United States Code, is amended by striking “Navy or  
 19 Marine Corps” and inserting “armed forces”.

20 (b) GRADUATE LEVEL INSTRUCTION.—Such sub-  
 21 section is further amended—

22 (1) by redesignating subparagraph (D) as sub-  
 23 paragraph (E);

24 (2) by inserting after subparagraph (C) the fol-  
 25 lowing new subparagraph (D):

1 “(D)(i) The Secretary may, pursuant to regulations  
 2 prescribed by the Secretary, permit an eligible enlisted  
 3 member of the armed forces to receive graduate level in-  
 4 struction at the Naval Postgraduate School in a program  
 5 leading to a master’s degree in a technical, analytical, or  
 6 engineering curricula.

7 “(ii) To be eligible for instruction under this subpara-  
 8 graph, an enlisted member shall hold a baccalaureate de-  
 9 gree granted by an institution of higher education.

10 “(iii) Instruction shall be provided under this sub-  
 11 paragraph on a space-available basis.

12 “(iv) An enlisted member who successfully completes  
 13 a course of instruction under this subparagraph may be  
 14 awarded a master’s degree under section 7048 of this title.

15 “(v) The regulations prescribed under clause (i) may  
 16 include criteria for eligibility of enlisted members for in-  
 17 struction under this subparagraph and obligations for fur-  
 18 ther service in the armed forces by enlisted members relat-  
 19 ing to receipt of such instruction.”; and

20 (3) in subparagraph (E), as so redesignated, by  
 21 striking “and (C)” and inserting “(C), and (D)”.

22 (c) CONFORMING AMENDMENT.—Subsection (b)(2)  
 23 of such section is amended by striking “(a)(2)(D)” and  
 24 inserting “(a)(2)(E)”.

1 (d) REPEAL OF CERTAIN REQUIREMENTS ON IN-  
 2 STRUCTION.—Section 526 of the National Defense Au-  
 3 thorization Act for Fiscal Year 2006 (Public Law 109–  
 4 163) is amended by striking subsections (c) and (d).

5 **SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL**  
 6 **HARASSMENT AND SEXUAL VIOLENCE AT**  
 7 **THE SERVICE ACADEMIES.**

8 (a) CLARIFICATION OF SCOPE OF ACTIONS.—Section  
 9 527 of the National Defense Authorization Act for Fiscal  
 10 Year 2004 (Public Law 108–136; 117 Stat. 1468; 10  
 11 U.S.C. 4331 note) is amended—

12 (1) in subsection (a)—

13 (A) in the subsection caption, by inserting  
 14 “SEXUAL” before “VIOLENCE”; and

15 (B) in paragraph (1)—

16 (i) in subparagraph (A), by striking  
 17 “personnel of” and inserting “cadets at”;

18 (ii) in subparagraph (B), by striking  
 19 “personnel of” and inserting “midshipmen  
 20 at”; and

21 (iii) in subparagraph (C), by striking  
 22 “personnel of” and inserting “cadets at”;

23 (2) by inserting “sexual” before “violence” each  
 24 place it appears; and

1           (3) by striking “academy personnel” each place  
2           it appears and inserting “cadets or midshipmen”.

3           (b) ASSESSMENTS OF ACADEMY POLICIES.—

4           (1) ADMINISTRATION OF ASSESSMENTS.—Sub-  
5           section (b) of such section is further amended—

6           (A) in paragraph (1)—

7                   (i) by striking “to conduct” and in-  
8                   serting “to provide”; and

9                   (ii) by inserting “(to be administered  
10                  by the Department of Defense)” after “an  
11                  assessment”; and

12           (B) in paragraph (2), by striking “shall  
13           conduct” and inserting “shall provide for the  
14           conduct of”.

15           (2) SCHEDULE FOR ASSESSMENTS.—Such sub-  
16           section is further amended—

17           (A) in the subsection caption, by striking  
18           “ANNUAL ASSESSMENT” and inserting “AS-  
19           SESSMENTS REQUIRED”;

20           (B) in paragraph (1), by inserting “speci-  
21           fied in paragraph (2)” after “each program  
22           year”; and

23           (C) in paragraph (2), by striking “2007,  
24           and 2008” and inserting “2008, and 2010”.



1       (c) REPORTS ON ACTIVITIES ON CAMPUS.—Sub-  
 2 section (c) of such section is further amended—

3           (1) in the subsection caption, by striking “AN-  
 4 NUAL REPORT” and inserting “REPORTS”;

5           (2) in paragraph (1), by striking “2007, and  
 6 2008” and inserting “2008, and 2010”;

7           (3) in paragraph (2)—

8               (A) in the matter preceding subparagraph  
 9 (A), by striking “The annual report” and in-  
 10 sserting “The report”; and

11               (B) in subparagraph (D), by striking  
 12 “each of the subsequent academy program  
 13 years” and inserting “each other academy pro-  
 14 gram year covered by this subsection”; and

15           (4) in paragraphs (3) and (4), by striking “the  
 16 annual” and inserting “each”.

17       (d) CONFORMING AMENDMENT.—The heading of  
 18 such section is amended to read as follows:

1 **“SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT**  
 2 **AND SEXUAL VIOLENCE AT THE SERVICE**  
 3 **ACADEMIES.”.**

4 **SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE**  
 5 **ACADEMY AND ROTC GRADUATES SEEKING**  
 6 **TO PARTICIPATE IN PROFESSIONAL SPORTS**  
 7 **BEFORE COMPLETION OF THEIR ACTIVE-**  
 8 **DUTY SERVICE OBLIGATIONS.**

9 (a) POLICY REQUIRED.—

10 (1) IN GENERAL.—Not later than July 1, 2007,  
 11 the Secretary of Defense shall prescribe the policy of  
 12 the Department of Defense on—

13 (A) whether to authorize graduates of the  
 14 service academies and the Reserve Officers’  
 15 Training Corps to participate in professional  
 16 sports before the completion of their obligations  
 17 for service on active duty as commissioned offi-  
 18 cers; and

19 (B) if so, the obligations for service on ac-  
 20 tive duty as commissioned officers of such grad-  
 21 uates who participate in professional sports be-  
 22 fore the satisfaction of the obligations referred  
 23 to in subparagraph (A).

24 (2) REVIEW OF CURRENT POLICIES.—In pre-  
 25 scribing the policy, the Secretary shall review cur-  
 26 rent policies, practices, and regulations of the mili-

1        tary departments on the obligations for service on  
2        active duty as commissioned officers of graduates of  
3        the service academies and the Reserve Officers'  
4        Training Corps, including policies on authorized  
5        leaves of absence and policies under excess leave pro-  
6        grams.

7            (3) CONSIDERATIONS.—In prescribing the pol-  
8        icy, the Secretary shall take into account the fol-  
9        lowing:

10            (A) The compatibility of participation in  
11            professional sports (including training for pro-  
12            fessional sports) with service on active duty in  
13            the Armed Forces or as a member of a reserve  
14            component of the Armed Forces.

15            (B) The benefits for the Armed Forces of  
16            waiving obligations for service on active duty  
17            for cadets, midshipmen, and commissioned offi-  
18            cers in order to permit such individuals to par-  
19            ticipate in professional sports.

20            (C) The manner in which the military de-  
21            partments have resolved issues relating to the  
22            participation of personnel in professional sports,  
23            including the extent of and any reasons for, dif-  
24            ferences in the resolution of such issues by such  
25            departments.

1           (D) The recoupment of the costs of edu-  
2           cation provided by the service academies or  
3           under the Reserve Officers' Training Corps pro-  
4           gram if graduates of the service academies or  
5           the Reserve Officers' Training Corps, as the  
6           case may be, do not complete the period of obli-  
7           gated service to which they have agreed by rea-  
8           son of participation in professional sports.

9           (E) Any other matters that the Secretary  
10          considers appropriate.

11       (b) ELEMENTS OF POLICY.—The policy prescribed  
12       under subsection (a) shall address the following matters:

13           (1) The eligibility of graduates of the service  
14           academies and the Reserve Officers' Training Corps  
15           for a reduction in the obligated length of service on  
16           active duty as a commissioned officer otherwise re-  
17           quired of such graduates on the basis of their par-  
18           ticipation in professional sports.

19           (2) Criteria for the treatment of an individual  
20           as a participant or potential participant in profes-  
21           sional sports.

22           (3) The effect on obligations for service on ac-  
23           tive duty as a commissioned officer of any  
24           unsatisfied obligations under prior enlistment con-

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) APPLICATION OF POLICY TO ARMED FORCES.—

Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

20 SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PRO-  
21 GRAM.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior

1 Reserve Officers' Training Corps programs. The review  
2 shall consider whether changes to law after the issuance  
3 of that opinion allow in certain circumstances for the ar-  
4 rangement for assignment of instructors that provides for  
5 the travel of an instructor from one educational institution  
6 to another once during the regular school day for the pur-  
7 poses of the Junior Reserve Officers' Training Corps pro-  
8 gram as an authorized arrangement that enhances admin-  
9 istrative efficiency in the management of the program. If  
10 the Secretary, as a result of the review, determines that  
11 such authority is not available, the Secretary should also  
12 consider whether such authority should be available and  
13 whether there should be authority to waive the restrictions  
14 under certain circumstances.

15 (b) REPORT.—The Secretary shall submit to the  
16 Committee on Armed Services of the Senate and the Com-  
17 mittee on Armed Services of the House of Representatives  
18 a report containing the results of the review not later than  
19 180 days after the date of the enactment of this Act.

20 (c) INTERIM AUTHORITY.—A current institution that  
21 has more than 70 students and is providing support to  
22 another educational institutional with more than 70 stu-  
23 dents and has been providing for the assignment of in-  
24 structors from one school to the other may continue to

1 provide such support until 180 days following receipt of  
 2 the report under subsection (b).

3 **SEC. 570. JUNIOR RESERVE OFFICERS' TRAINING CORPS**  
 4 **INSTRUCTOR QUALIFICATIONS.**

5 (a) IN GENERAL.—Chapter 102 of title 10, United  
 6 States Code, is amended by adding at the end the fol-  
 7 lowing new section:

8 **“§ 2033. Instructor qualifications**

9 “(a) IN GENERAL.—In order for a retired officer or  
 10 noncommissioned officer to be employed as an instructor  
 11 in the program, the officer must be certified by the Sec-  
 12 retary of the military department concerned as a qualified  
 13 instructor in leadership, wellness and fitness, civics, and  
 14 other courses related to the content of the program, ac-  
 15 cording to the qualifications set forth in subsection (b)(2)  
 16 or (c)(2), as appropriate.

17 “(b) SENIOR MILITARY INSTRUCTORS.—

18 “(1) ROLE.—Senior military instructors shall  
 19 be retired officers of the armed forces and shall  
 20 serve as instructional leaders who oversee the pro-  
 21 gram.

22 “(2) QUALIFICATIONS.—A senior military in-  
 23 structor shall have the following qualifications:

1           “(A) Professional military qualification, as  
 2           determined by the Secretary of the military de-  
 3           partment concerned.

4           “(B) Award of a baccalaureate degree  
 5           from an institution of higher learning.

6           “(C) Completion of secondary education  
 7           teaching certification requirements for the pro-  
 8           gram as established by the Secretary of the  
 9           military department concerned.

10          “(D) Award of an advanced certification  
 11          by the Secretary of the military department  
 12          concerned in core content areas based on—

13               “(i) accumulated points for profes-  
 14               sional activities, services to the profession,  
 15               awards, and recognitions;

16               “(ii) professional development to meet  
 17               content knowledge and instructional skills;  
 18               and

19               “(iii) performance evaluation of com-  
 20               petencies and standards within the pro-  
 21               gram through site visits and inspections.

22          “(c) NON-SENIOR MILITARY INSTRUCTORS.—

23               “(1) ROLE.—Non-senior military instructors  
 24               shall be retired noncommissioned officers of the  
 25               armed forces and shall serve as instructional leaders



1       and teach independently of, but share program re-  
2       sponsibilities with, senior military instructors.

3           “(2) QUALIFICATIONS.—A non-senior military  
4       instructor shall demonstrate a depth of experience,  
5       proficiency, and expertise in coaching, mentoring,  
6       and practical arts in executing the program, and  
7       shall have the following qualifications:

8           “(A) Professional military qualification, as  
9       determined by the Secretary of the military de-  
10      partment concerned.

11          “(B) Award of an associates degree from  
12      an institution of higher learning within 5 years  
13      of employment.

14          “(C) Completion of secondary education  
15      teaching certification requirements for the pro-  
16      gram as established by the Secretary of the  
17      military department concerned.

18          “(D) Award of an advanced certification  
19      by the Secretary of the military department  
20      concerned in core content areas based on—

21           “(i) accumulated points for profes-  
22      sional activities, services to the profession,  
23      awards, and recognitions;

1 “(ii) professional development to meet  
 2 content knowledge and instructional skills;  
 3 and  
 4 “(iii) performance evaluation of com-  
 5 petencies and standards within the pro-  
 6 gram through site visits and inspections.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 at the beginning of such chapter is amended by adding  
 9 at the end the following new item:

“2033. Instructor qualifications.”.

10 **SEC. 570A. MODIFICATION OF TIME LIMIT FOR USE OF EN-**  
 11 **TITLEMENT TO EDUCATIONAL ASSISTANCE**  
 12 **FOR RESERVE COMPONENT MEMBERS SUP-**  
 13 **PORTING CONTINGENCY OPERATIONS AND**  
 14 **OTHER OPERATIONS.**

15 (a) MODIFICATION.—Section 16164(a) of title 10,  
 16 United States Code, is amended by striking “this chapter  
 17 while serving—” and all that follows and inserting “this  
 18 chapter—

19 “(1) while the member is serving—

20 “(A) in the Selected Reserve of the Ready  
 21 Reserve, in the case of a member called or or-  
 22 dered to active service while serving in the Se-  
 23 lected Reserve; or

24 “(B) in the Ready Reserve, in the case of  
 25 a member ordered to active duty while serving

1           in the Ready Reserve (other than the Selected  
2           Reserve); and

3           “(2) in the case of a person who separates from  
4           the Selected Reserve of the Ready Reserve after  
5           completion of a period of active service described in  
6           section 16163 of this title and completion of a serv-  
7           ice contract under other than dishonorable condi-  
8           tions, during the 10-year period beginning on the  
9           date on which the person separates from the Se-  
10          lected Reserve.”.

11          (b) CONFORMING AMENDMENT.—Paragraph (2) of  
12          section 16165(a) of such title is amended to read as fol-  
13          lows:

14               “(2) when the member separates from the  
15          Ready Reserve as provided in section 16164(a)(1) of  
16          this title, or upon completion of the period provided  
17          for in section 16164(a)(2) of this title, as applica-  
18          ble.”.

19          (c) EFFECTIVE DATE.—The amendments made by  
20          this section shall take effect on October 28, 2004, as if  
21          included in the enactment of the Ronald W. Reagan Na-  
22          tional Defense Authorization Act for Fiscal Year 2005  
23          (Public Law 108–375), to which such amendments relate.

## 1     **Subtitle E—Defense Dependents** 2                     **Education Matters**

### 3     **SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDU-** 4                     **CATIONAL AGENCIES THAT BENEFIT DE-** 5                     **PENDENTS OF MEMBERS OF THE ARMED** 6                     **FORCES AND DEPARTMENT OF DEFENSE CI-** 7                     **VILIAN EMPLOYEES.**

8             (a) FUNDING FOR FISCAL YEAR 2007.—Of the  
9     amount authorized to be appropriated pursuant to section  
10    301(5) for operation and maintenance for Defense-wide  
11    activities—

12             (1) \$30,000,000 shall be available only for the  
13     purpose of providing assistance to local educational  
14     agencies under section 572(a) of the National De-  
15     fense Authorization Act for Fiscal Year 2006 (Pub-  
16     lic Law 109–163; 119 Stat. 3271; 20 U.S.C.  
17     7703b); and

18             (2) \$10,000,000 shall be available only for the  
19     purpose of providing assistance to local educational  
20     agencies under section 572(b) of that Act.

21             (b) TREATMENT OF FUNDING FOR NOTIFICATION  
22    PURPOSES.—The funding provided under subsection (a)  
23    for fiscal year 2007 shall be treated as funding for that  
24    fiscal year for purposes of the notification of local edu-  
25    cational agencies required by section 572(c) of the Na-

1 tional Defense Authorization Act for Fiscal Year 2006  
2 (119 Stat. 3272).

3 (c) TRANSITION OF MILITARY DEPENDENTS FROM  
4 MILITARY TO CIVILIAN SCHOOLS.—

5 (1) IN GENERAL.—The Secretary of Defense  
6 shall work collaboratively with the Secretary of Edu-  
7 cation in any efforts to ease the transition of de-  
8 pendents of members of the Armed Forces from at-  
9 tendance in Department of Defense dependent  
10 schools to civilian schools in systems operated by  
11 local educational agencies.

12 (2) UTILIZATION OF EXISTING RESOURCES.—In  
13 working with the Secretary of Education under  
14 paragraph (1), the Secretary of Defense may utilize  
15 funds authorized to be appropriated for operation  
16 and maintenance for Defense-wide activities to share  
17 expertise and experience of the Department of De-  
18 fense Education Activity with local educational agen-  
19 cies as dependents of members of the Armed Forces  
20 make the transition from attendance at Department  
21 of Defense dependent schools to attendance at civil-  
22 ian schools in systems operated by such local edu-  
23 cational agencies, including such transitions result-  
24 ing from defense base closure and realignment, glob-  
25 al rebasing, and force restructuring.

1 (3) DEFINITIONS.—In this subsection:

2 (A) The term “expertise and experience”,  
3 with respect to the Department of Defense  
4 Education Activity, means resources of such ac-  
5 tivity relating to—

6 (i) academic strategies which result in  
7 increased academic achievement;

8 (ii) curriculum development consulta-  
9 tion and materials;

10 (iii) teacher training resources and  
11 materials;

12 (iv) access to virtual and distance  
13 learning technology capabilities and related  
14 applications for teachers; and

15 (v) such other services as the Sec-  
16 retary of Defense considers appropriate to  
17 improve the academic achievement of such  
18 students.

19 (B) The term “local educational agency”  
20 has the meaning given that term in section  
21 8013(9) of the Elementary and Secondary Edu-  
22 cation Act of 1965 (20 U.S.C. 7713(9)).

23 (4) EXPIRATION.—The authority of the Sec-  
24 retary of the Defense under this subsection shall ex-  
25 pire on September 30, 2011.

1 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
 2 **ABILITIES.**

3 Of the amount authorized to be appropriated pursu-  
 4 ant to section 301(5) for operation and maintenance for  
 5 Defense-wide activities, \$5,000,000 shall be available for  
 6 payments under section 363 of the Floyd D. Spence Na-  
 7 tional Defense Authorization Act for Fiscal Year 2001 (as  
 8 enacted into law by Public Law 106–398; 114 Stat.  
 9 1654A–77; 20 U.S.C. 7703a).

10 **SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES**  
 11 **EXPERIENCING GROWTH IN ENROLLMENT**  
 12 **DUE TO FORCE STRUCTURE CHANGES, RELO-**  
 13 **CATION OF MILITARY UNITS, OR BRAC.**

14 (a) **PLAN REQUIRED.**—Not later than January 1,  
 15 2007, the Secretary of Defense shall submit to the con-  
 16 gressional defense committees a report setting forth a plan  
 17 to provide assistance to local educational agencies that ex-  
 18 perience growth in the enrollment of military dependent  
 19 students as a result of any of the following events:

- 20 (1) Force structure changes.
- 21 (2) The relocation of a military unit.
- 22 (3) The closure or realignment of military in-  
 23 stallations pursuant to defense base closure and re-  
 24 alignment under the base closure laws.

25 (b) **ELEMENTS.**—The report required by subsection  
 26 (a) shall include the following:

1           (1) An identification, current as of the date of  
2           the report, of the total number of military dependent  
3           students who are anticipated to be arriving at or de-  
4           parting from military installations as a result of any  
5           event described in subsection (a), including—

6                   (A) an identification of the military instal-  
7                   lations affected by such arrivals and departures;

8                   (B) an estimate of the number of such stu-  
9                   dents arriving at or departing from each such  
10                  installation; and

11                  (C) the anticipated schedule of such arriv-  
12                  als and departures.

13           (2) Such recommendations as the Office of Eco-  
14           nomic Adjustment of the Department of Defense  
15           considers appropriate for means of assisting affected  
16           local educational agencies in accommodating in-  
17           creases in enrollment of military dependent students  
18           as a result of any such event.

19           (3) A plan for outreach to be conducted to af-  
20           fected local educational agencies, commanders of  
21           military installations, and members of the Armed  
22           Forces and civilian personnel of the Department of  
23           Defense regarding information on the assistance to  
24           be provided under the plan under subsection (a).



1       (c) UPDATE.—Not later than July 1, 2007, and every  
 2 six months thereafter through January 1, 2011, the Sec-  
 3 retary shall submit to the congressional defense commit-  
 4 tees an update of the report required by subsection (a).  
 5 Each update shall include an update of each matter re-  
 6 quired under subsection (b) current as of the date of such  
 7 update.

8       (d) DEFINITIONS.—In this section:

9           (1) The term “base closure law” has the mean-  
 10 ing given that term in section 101 of title 10, United  
 11 States Code.

12          (2) The term “local educational agency” has  
 13 the meaning given that term in section 8013(9) of  
 14 the Elementary and Secondary Education Act of  
 15 1965 (20 U.S.C. 7713(9)).

16          (3) The term “military dependent students” re-  
 17 fers to—

18           (A) elementary and secondary school stu-  
 19 dents who are dependents of members of the  
 20 Armed Forces; and

21           (B) elementary and secondary school stu-  
 22 dents who are dependents of civilian employees  
 23 of the Department of Defense.

1 **SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO**  
2 **PROMOTE EARLY CHILDHOOD EDUCATION**  
3 **FOR DEPENDENT CHILDREN AFFECTED BY**  
4 **MILITARY DEPLOYMENT OR RELOCATION OF**  
5 **MILITARY UNITS.**

6 (a) PILOT PROGRAM REQUIRED.—The Secretary of  
7 Defense shall carry out a pilot program on the provision  
8 of educational and support tools to the parents of pre-  
9 school-age children—

10 (1) whose parent or parents serve as members  
11 of the Armed Forces on active duty (including mem-  
12 bers of the Selected Reserve on active duty pursuant  
13 to a call or order to active duty of 180 days or  
14 more); and

15 (2) who are affected by the deployment of their  
16 parent or parents or the relocation of the military  
17 unit of which their parent or parents are a member.

18 (b) PURPOSE.—The purpose of the pilot program is  
19 to develop models for improving the capability of military  
20 child and youth programs on or near military installations  
21 to provide assistance to military parents with young chil-  
22 dren through a program of activities focusing on the  
23 unique needs of children described in subsection (a).

24 (c) DURATION OF PROGRAM.—The pilot program  
25 shall commence on October 1, 2007, and shall conclude  
26 on September 30, 2010.

1 (d) SCOPE OF PROGRAM.—The pilot program shall  
2 utilize one or more models (demonstrated through re-  
3 search) of universal access of parents of children described  
4 in subsection (a) to assistance under the pilot program  
5 in order to achieve the following goals:

6 (1) The identification and mitigation of specific  
7 risk factors for such children related to military life.

8 (2) The maximization of the educational readi-  
9 ness of such children.

10 (e) LOCATIONS.—

11 (1) IN GENERAL.—The pilot program shall be  
12 carried out at military installations selected by the  
13 Secretary for purposes of this section from among  
14 military installations whose military personnel are  
15 experiencing significant transition or deployment or  
16 which are undergoing transition as a result of the  
17 relocation or activation of military units or activities  
18 relating to defense base closure and realignment.

19 (2) SELECTION OF CERTAIN INSTALLATIONS.—  
20 At least one of the installations selected by the Sec-  
21 retary under paragraph (1) shall be an installation  
22 that permits the meaningful evaluation of a model  
23 under subsection (d) that provides outreach to par-  
24 ents in families with a parent who is a member of

1 the National Guard or Reserve, which families live  
2 more than 40 miles from the installation so selected.

3 (f) GOALS OF PARTICIPATING INSTALLATIONS.—Ap-  
4 propriate personnel at each military installation selected  
5 for participation in the pilot program shall develop goals,  
6 and specific outcome measures with respect to such goals,  
7 for the conduct of the pilot program at such installation.

8 (g) EVALUATION.—

9 (1) EVALUATION REQUIRED.—Upon completion  
10 of the pilot program at a military installation, the  
11 personnel referred to in subsection (f) at such instal-  
12 lation shall conduct an evaluation and assessment of  
13 the success of the pilot program at such installation  
14 in meeting the goals developed under that sub-  
15 section.

16 (2) REPORT.—Upon completion of the evalua-  
17 tions under paragraph (1) for all military installa-  
18 tions participating in the pilot program, the Sec-  
19 retary of Defense shall submit to the congressional  
20 defense committees a report on such evaluations.  
21 The report shall describe the results of such evalua-  
22 tions, and may include such recommendations for  
23 legislative or administrative action as the Secretary  
24 considers appropriate in light of such evaluations,

1 including recommendations for the continuation of  
2 the pilot program.

3 (h) GUIDELINES.—The Secretary shall issue guide-  
4 lines applicable to the pilot program, including guidelines  
5 on the goals to be developed under subsection (f), specific  
6 outcome measures, and guidelines on the selection of cur-  
7 riculum and the conduct of developmental screening under  
8 the pilot program.

9 (i) FUNDING.—Of the amounts authorized to be ap-  
10 propriated by section 301(1) for operation and mainte-  
11 nance for the Army, \$1,500,000 shall be available to carry  
12 out the pilot program in fiscal year 2007.

## 13 **Subtitle F—Other Matters**

### 14 **SEC. 581. ADMINISTRATION OF OATHS.**

15 (a) IN GENERAL.—Section 502 of title 10, United  
16 States Code, is amended by striking the flush matter at  
17 the end and inserting the following new flush matter:

18 “This oath may be taken before the President, the Vice  
19 President, the Secretary of Defense, any commissioned of-  
20 ficer of any armed force, or any other person designated  
21 under regulations prescribed by the Secretary of De-  
22 fense.”.

23 (b) CONFORMING AMENDMENT.—Section 1031 of  
24 such title is amended by striking “Any commissioned offi-  
25 cer” and all that follows through “on active duty,” and

1 inserting “The President, the Vice President, the Sec-  
 2 retary of Defense, any commissioned officer of an armed  
 3 force, or any other person designated under regulations  
 4 prescribed by the Secretary of Defense”.

5 **SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS**  
 6 **WHO ARE PERMANENTLY DISABLED.**

7 (a) IN GENERAL.—Subsection (a) of section 1060b  
 8 of title 10, United States Code, is amended to read as  
 9 follows:

10 “(a) ISSUANCE OF PERMANENT ID CARD.—(1) In  
 11 issuing military ID cards to retiree dependents, the Sec-  
 12 retary concerned shall issue a permanent ID card (not  
 13 subject to renewal) to any such retiree dependent as fol-  
 14 lows:

15 “(A) A retiree dependent who has attained 75  
 16 years of age.

17 “(B) A retiree dependent who is permanently  
 18 disabled.

19 “(2) A permanent ID card shall be issued to a retiree  
 20 dependent under paragraph (1)(A) upon the expiration,  
 21 after the retiree dependent attains 75 years of age, of any  
 22 earlier, renewable military card or, if earlier, upon the re-  
 23 quest of the retiree dependent after attaining age 75.”.

24 (b) CONFORMING AND CLERICAL AMENDMENTS.—

1 (1) HEADING AMENDMENT.—The heading of  
2 such section is amended to read as follows:

3 **“§ 1060b. Military ID cards: dependents and survivors**  
4 **of retirees”.**

5 (2) CLERICAL AMENDMENT.—The table of sec-  
6 tions at the beginning of chapter 53 of such title is  
7 amended by striking the item relating to section  
8 1060b and inserting the following new item:

“1060b. Military ID cards: dependents and survivors of retirees.”.

9 **SEC. 583. MILITARY VOTING MATTERS.**

10 (a) REPEAL OF PERIODIC INSPECTOR GENERAL IN-  
11 STALLATION VISITS FOR ASSESSMENT OF VOTING AS-  
12 SISTANCE PROGRAMS.—Section 1566 of title 10, United  
13 States Code, is amended—

14 (1) by striking subsection (d); and

15 (2) by redesignating subsections (e) through (i)  
16 as subsections (d) through (h), respectively.

17 (b) COMPTROLLER GENERAL REPORT.—Not later  
18 than March 1, 2007, the Comptroller General of the  
19 United States shall submit to Congress a report con-  
20 taining the assessment of the Comptroller General with  
21 respect to the following:

22 (1) The programs and activities undertaken by  
23 the Department of Defense to facilitate voter reg-  
24 istration, transmittal of ballots to absentee voters,  
25 and voting utilizing electronic means of communica-

tion (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—



1 (A) IN GENERAL.—Not later than 30 days  
2 after the date of the regularly scheduled general  
3 election for Federal office for November 2006,  
4 the Secretary of Defense shall submit to the  
5 congressional defense committees a report set-  
6 ting forth—

7 (i) an assessment of the success of the  
8 implementation of the Interim Voting As-  
9 sistance System ballot request program  
10 carried out under paragraph (1);

11 (ii) recommendations for continuation  
12 of the Interim Voting Assistance System  
13 and for improvements to that system; and

14 (iii) an assessment of available tech-  
15 nologies and other means of achieving en-  
16 hanced use of electronic and Internet-based  
17 capabilities under the Interim Voting As-  
18 sistance System.

19 (B) FUTURE ELECTIONS.—Not later than  
20 May 15, 2007, the Secretary of Defense shall  
21 submit to the congressional defense committees  
22 a report detailing plans for expanding the use  
23 of electronic voting technology for individuals  
24 covered under the Uniformed Overseas Citizens

1 Absentee Voting Act (42 U.S.C. 1973ff et seq.)  
 2 for elections through November 30, 2010.

3 **SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO**  
 4 **PRIMARY NEXT OF KIN OF MEDAL OF HONOR**  
 5 **RECIPIENTS.**

6 (a) ARMY RECIPIENTS.—Section 3755 of title 10,  
 7 United States Code, is amended—

8 (1) by inserting “(a) PRESENTATION TO  
 9 MEDAL OF HONOR RECIPIENTS.—” before “The  
 10 President”; and

11 (2) by striking “after October 23, 2002”; and

12 (3) by adding at the end the following new sub-  
 13 section:

14 “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
 15 The President may provide for the presentation of a Medal  
 16 of Honor Flag to the primary living next of kin (as des-  
 17 ignated by the Secretary of Defense in regulations pre-  
 18 scribed for purposes of this section) of a deceased medal  
 19 of honor recipient described in subsection (a).”.

20 (b) NAVY AND MARINE CORPS RECIPIENTS.—Sec-  
 21 tion 6257 of such title is amended—

22 (1) by inserting “(a) IN GENERAL.—” before  
 23 “The President”; and

24 (2) by striking “after October 23, 2002”; and

1           (3) by adding at the end the following new sub-  
2           section:

3           “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
4   The President may provide for the presentation of a Medal  
5   of Honor Flag to the primary living next of kin (as des-  
6   ignated by the Secretary of Defense in regulations pre-  
7   scribed for purposes of this section) of a deceased medal  
8   of honor recipient described in subsection (a).”.

9           (c) AIR FORCE RECIPIENTS.—Section 8755 of such  
10   title is amended—

11           (1) by inserting “(a) IN GENERAL.—” before  
12           “The President”; and

13           (2) by striking “after October 23, 2002”; and

14           (3) by adding at the end the following new sub-  
15           section:

16           “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
17   The President may provide for the presentation of a Medal  
18   of Honor Flag to the primary living next of kin (as des-  
19   ignated by the Secretary of Defense in regulations pre-  
20   scribed for purposes of this section) of a deceased medal  
21   of honor recipient described in subsection (a).”.

22           (d) COAST GUARD RECIPIENTS.—Section 505 of title  
23   14, United States Code, is amended—

24           (1) by inserting “(a) IN GENERAL.—” before  
25           “The President”; and

1 (2) by striking “after October 23, 2002”; and

2 (3) by adding at the end the following new sub-  
3 section:

4 “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
5 The President may provide for the presentation of a Medal  
6 of Honor Flag to the primary living next of kin (as des-  
7 ignated by the Secretary of Homeland Security in regula-  
8 tions prescribed for purposes of this section) of a deceased  
9 medal of honor recipient described in subsection (a).”.

10 **SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AU-**  
11 **THORITY TO PRESENT RECOGNITION ITEMS**  
12 **FOR RECRUITMENT AND RETENTION PUR-**  
13 **POSES.**

14 Subsection (d) of section 2261 of title 10, United  
15 States Code, is amended to read as follows:

16 “(d) EFFECTIVE PERIOD.—The authority under this  
17 section shall be in effect during the period of any war or  
18 national emergency declared by the President or Con-  
19 gress.”.

20 **SEC. 586. MILITARY SEVERELY INJURED CENTER.**

21 (a) CENTER REQUIRED.—In support of the com-  
22 prehensive policy on the provision of assistance to severely  
23 wounded or injured servicemembers required by section  
24 563 of the National Defense Authorization Act for Fiscal  
25 Year 2006 (Public Law 109–163; 119 Stat. 3269; 10

1 U.S.C. 113 note), the Secretary of Defense shall establish  
 2 within the Department of Defense a center to augment  
 3 and support the programs and activities of the military  
 4 departments for the provision of such assistance, including  
 5 the programs of the military departments referred to in  
 6 subsection (c).

7 (b) DESIGNATION.—The center established under  
 8 subsection (a) shall be known as the “Military Severely  
 9 Injured Center” (in this section referred to as the “Cen-  
 10 ter”).

11 (c) PROGRAMS OF THE MILITARY DEPARTMENTS.—  
 12 The programs of the military departments referred to in  
 13 this subsection are as follows:

14 (1) The Army Wounded Warrior Support Pro-  
 15 gram.

16 (2) The Navy Safe Harbor Program.

17 (3) The Palace HART Program of the Air  
 18 Force.

19 (4) The Marine for Life Injured Support Pro-  
 20 gram of the Marine Corps.

21 (d) ACTIVITIES OF CENTER.—

22 (1) IN GENERAL.—The Center shall carry out  
 23 such programs and activities to augment and sup-  
 24 port the programs and activities of the military de-  
 25 partments for the provision of assistance through in-

1       dividual case management to severely wounded or in-  
2       jured servicemembers and their families as the Sec-  
3       retary of Defense, in consultation with the Secre-  
4       taries of the military departments and the heads of  
5       other appropriate departments and agencies of the  
6       Federal Government (including the Department of  
7       Labor and the Department of Veterans Affairs),  
8       shall assign the Center.

9               (2) DATABASE.—The activities of the Center  
10       under this subsection shall include the establishment  
11       and maintenance of a central database of informa-  
12       tion for purposes of tracking severely wounded or in-  
13       jured servicemembers.

14       (e) RESOURCES.—The Secretary of Defense shall al-  
15       locate to the Center such personnel and other resources  
16       as the Secretary of Defense, in consultation with the Sec-  
17       retaries of the military departments, considers appropriate  
18       in order to permit the Center to carry out effectively the  
19       programs and activities assigned to the Center under sub-  
20       section (d).

1 **SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF**  
2 **RECOGNITION OF MEMBERS OF THE ARMED**  
3 **FORCES FOR EXTRAORDINARY ACTS OF**  
4 **BRAVERY, HEROISM, AND ACHIEVEMENT.**

5 It is the sense of the Senate that the Secretary of  
6 Defense or the Secretary of the military department con-  
7 cerned should, upon awarding a medal to a member of  
8 the Armed Forces or otherwise commending or recog-  
9 nizing a member of the Armed Forces for an act of ex-  
10 traordinary heroism, bravery, achievement, or other dis-  
11 tinction, notify the Committee on Armed Services of the  
12 Senate and House of Representatives, the Senators from  
13 the State in which such member resides, and the Member  
14 of the House of Representatives from the district in which  
15 such member resides of such extraordinary award, com-  
16 mendation, or recognition.

17 **SEC. 588. REPORT ON PROVISION OF ELECTRONIC COPY OF**  
18 **MILITARY RECORDS ON DISCHARGE OR RE-**  
19 **LEASE OF MEMBERS FROM THE ARMED**  
20 **FORCES.**

21 (a) REPORT REQUIRED.—Not later than 120 days  
22 after the date of the enactment of this Act, the Secretary  
23 of Defense shall submit to the congressional defense com-  
24 mittees a report on the feasibility and advisability of pro-  
25 viding an electronic copy of military records (including all  
26 military service, medical, and other military records) to

1 members of the Armed Forces on their discharge or re-  
2 lease from the Armed Forces.

3 (b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following:

5 (1) An estimate of the costs of the provision of  
6 military records as described in subsection (a).

7 (2) An assessment of providing military records  
8 as described in that subsection through the distribu-  
9 tion of a portable, readily accessible medium (such  
10 as a computer disk or other similar medium) con-  
11 taining such records.

12 (3) A description and assessment of the mecha-  
13 nisms required to ensure the privacy of members of  
14 the Armed Forces in providing military records as  
15 described in that subsection.

16 (4) An assessment of the benefits to the mem-  
17 bers of the Armed Forces of receiving their military  
18 records as described in that subsection.

19 (5) If the Secretary determines that providing  
20 military records to members of the Armed Forces as  
21 described in that subsection is feasible and advis-  
22 able, a plan (including a schedule) for providing  
23 such records to members of the Armed Forces as so  
24 described in order to ensure that each member of



1 the Armed Forces is provided such records upon dis-  
2 charge or release from the Armed Forces.

3 (6) Any other matter to relating to the provi-  
4 sion of military records as described in that sub-  
5 section that the Secretary considers appropriate.

6 **SEC. 589. PURPLE HEART AWARD ELIGIBILITY.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

9 (1) The Purple Heart is the oldest military  
10 decoration in the world in present use.

11 (2) The Purple Heart was established on Au-  
12 gust 7, 1782, during the Revolutionary War, when  
13 General George Washington issued an order estab-  
14 lishing the Honorary Badge of Distinction, otherwise  
15 known as the Badge of Military Merit.

16 (3) The award of the Purple Heart ceased with  
17 the end of the Revolutionary War, but was revived  
18 in 1932, the 200th anniversary of George Washing-  
19 ton's birth, out of respect for his memory and mili-  
20 tary achievements by War Department General Or-  
21 ders No. 3, dated February 22, 1932.

22 (4) The criteria for the award was originally  
23 announced in War Department Circular dated Feb-  
24 ruary 22, 1932, and revised by Presidential Execu-  
25 tive Order 9277, dated December 3, 1942; Executive

1       Order 10409, dated February 12, 1952; Executive  
2       Order 11016, dated April 25, 1962; and Executive  
3       Order 12464, dated February 23, 1984.

4           (5) The Purple Heart is awarded in the name  
5       of the President of the United States as Commander  
6       in Chief to members of the Armed Forces who qual-  
7       ify under criteria set forth by Presidential Executive  
8       Order.

9       (b) DETERMINATION.—As part of the review and re-  
10      port required in subsection (d), the President shall make  
11      a determination on expanding eligibility to all deceased  
12      servicemembers held as a prisoner of war after December  
13      7, 1941, and who meet the criteria establishing eligibility  
14      for the prisoner-of-war medal under section 1128 of title  
15      10, but who do not meet the criteria establishing eligibility  
16      for the Purple Heart.

17      (c) REQUIREMENTS.—In making the determination  
18      described in subsection (b), the President shall take into  
19      consideration—

20           (1) the brutal treatment endured by thousands  
21      of POWs incarcerated by enemy forces;

22           (2) that many service members died due to  
23      starvation, abuse, the deliberate withholding of med-  
24      ical treatment for injury or disease, or other causes

1       which do not currently meet the criteria for award  
2       of the Purple Heart;

3           (3) the views of veteran organizations, including  
4       the Military Order of the Purple Heart;

5           (4) the importance and gravity that has been  
6       assigned to determining all available facts prior to a  
7       decision to award the Purple Heart; and

8           (5) the views of the Secretary of Defense and  
9       the Joint Chiefs of Staff.

10       (d) REPORT.—Not later than March 1, 2007, the  
11   President shall provide the Committees on Armed Services  
12   of the Senate and House of Representatives a report on  
13   the advisability of modifying the criteria for the award of  
14   the Purple Heart to authorize the award of the Purple  
15   Heart to military members who die in captivity under un-  
16   known circumstances or as a result of conditions and  
17   treatment which currently do not qualify the decedent for  
18   award of the Purple Heart; and for military members who  
19   survive captivity as prisoners of war, but die thereafter  
20   as a result of disease or disability incurred during cap-  
21   tivity.

1 **SEC. 590. COMPREHENSIVE REVIEW ON PROCEDURES OF**  
2 **THE DEPARTMENT OF DEFENSE ON MOR-**  
3 **TUARY AFFAIRS.**

4 (a) REPORT.—As soon as practicable after the com-  
5 pletion of the comprehensive review of the procedures of  
6 the Department of Defense on mortuary affairs, the Sec-  
7 retary of Defense shall submit to the congressional defense  
8 committees a report on the review.

9 (b) ADDITIONAL ELEMENTS.—In conducting the  
10 comprehensive review described in subsection (a), the Sec-  
11 retary shall also address, in addition to any other matters  
12 covered by the review, the following:

13 (1) The utilization of additional or increased re-  
14 frigeration (including icing) in combat theaters in  
15 order to enhance preservation of remains.

16 (2) The relocation of refrigeration assets fur-  
17 ther forward in the field.

18 (3) Specific time standards for the movement of  
19 remains from combat units.

20 (4) The forward location of autopsy and em-  
21 balming operations.

22 (5) Any other matters that the Secretary con-  
23 sider appropriate in order to speed the return of re-  
24 mains to the United States in a non-decomposed  
25 state.

1       (c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY  
2 ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—  
3 Section 562(b) of the National Defense Authorization Act  
4 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
5 3267; 10 U.S.C. 1475 note) is amended by adding at the  
6 end the following new paragraph:

7           “(12) The process by which the Department of  
8 Defense, upon request, briefs survivors of military  
9 decedents on the cause of, and any investigation  
10 into, the death of such military decedents and on the  
11 disposition and transportation of the remains of  
12 such decedents, which process shall—

13           “(A) provide for the provision of such  
14 briefings by fully qualified Department per-  
15 sonnel;

16           “(B) ensure briefings take place as soon as  
17 possible after death and updates are provided in  
18 a timely manner when new information becomes  
19 available;

20           “(C) ensure that—

21           “(i) such briefings and updates relate  
22 the most complete and accurate informa-  
23 tion available at the time of such briefings  
24 or updates, as the case may be; and

1 “(ii) incomplete or unverified informa-  
 2 tion is identified as such during the course  
 3 of such briefings or updates; and

4 “(D) include procedures by which such  
 5 survivors shall, upon request, receive updates or  
 6 supplemental information on such briefings or  
 7 updates from qualified Department personnel.”.

8 **SEC. 591. REPORT ON OMISSION OF SOCIAL SECURITY**  
 9 **NUMBERS ON MILITARY IDENTIFICATION**  
 10 **CARDS.**

11 (a) REPORT.—Not later than 180 days after the date  
 12 of the enactment of this Act, the Secretary of Defense  
 13 shall submit to Congress a report setting forth the assess-  
 14 ment of the Secretary of the feasibility of utilizing military  
 15 identification cards that do not contain, display or exhibit  
 16 the Social Security Number of the individual identified by  
 17 such military identification card.

18 (b) MILITARY IDENTIFICATION CARD DEFINED.—In  
 19 this section, the term “military identification card” has  
 20 the meaning given the term “military ID card” in section  
 21 1060b(b)(1) of title 10, United States Code.

22 **SEC. 592. FUNERAL CEREMONIES FOR VETERANS.**

23 (a) SUPPORT FOR CEREMONIES BY DETAILS CON-  
 24 SISTING SOLELY OF MEMBERS OF VETERANS AND OTHER  
 25 ORGANIZATIONS.—

1           (1) SUPPORT OF CEREMONIES.—Section 1491  
2           of title 10, United States Code, is amended—

3                   (A) by redesignating subsections (e), (f),  
4                   (g), and (h) as subsections (f), (g), (h), and (i),  
5                   respectively; and

6                   (B) by inserting after subsection (d) the  
7                   following new subsection (e):

8           “(e) SUPPORT FOR FUNERAL HONORS DETAILS  
9 COMPOSED OF MEMBERS OF VETERANS ORGANIZA-  
10 TIONS.—(1) Subject to such regulations and procedures  
11 as the Secretary of Defense may prescribe, the Secretary  
12 of the military department of which a veteran was a mem-  
13 ber may support the conduct of funeral honors for such  
14 veteran that are provided solely by members of veterans  
15 organizations or other organizations referred to in sub-  
16 section (b)(2).

17           “(2) The provision of support under this subsection  
18 is subject to the availability of appropriations for that pur-  
19 pose.

20           “(3) The support provided under this subsection may  
21 include the following:

22                   “(A) Reimbursement for costs incurred by orga-  
23 nizations referred to in paragraph (1) in providing  
24 funeral honors, including costs of transportation,  
25 meals, and similar costs.

1           “(B) Payment to members of such organiza-  
 2           tions providing such funeral honors of the daily sti-  
 3           pend prescribed under subsection (d)(2).”.

4           (2) CONFORMING AMENDMENTS.—Such section  
 5           is further amended—

6                   (A) in subsection (d)(2), by inserting “and  
 7                   subsection (e)” after “paragraph (1)(A)”; and

8                   (B) in paragraph (1) of section (f), as re-  
 9                   designated by subsection (a)(1) of this section,  
 10                  by inserting “(other than a requirement in sub-  
 11                  section (e)” after “pursuant to this section”.

12          (b) USE OF EXCESS M-1 RIFLES FOR CEREMONIAL  
 13          AND OTHER PURPOSES.—Section 4683 of such title is  
 14          amended—

15               (1) in subsection (a), by adding at the end the  
 16               following new paragraph:

17               “(3) Rifles loaned or donated under paragraph (1)  
 18               may be used by an eligible designee for funeral ceremonies  
 19               of a member or former member of the armed forces and  
 20               for other ceremonial purposes.”;

21               (2) in subsection (c), by inserting after “ac-  
 22               countability” the following: “, provided that such  
 23               conditions do not unduly hamper eligible designees  
 24               from participating in funeral ceremonies of a mem-



1       ber or former member of the armed forces or other  
2       ceremonies”;

3           (3) in subsection (d)—

4               (A) in paragraph (2), by striking “; or”  
5               and inserting “or fire department;”;

6               (B) in paragraph (3), by striking the pe-  
7               riod at the end and inserting “; or”; and

8               (C) by adding at the end the following new  
9       paragraph:

10       “(4) any other member in good standing of an  
11       organization described in paragraphs (1), (2), or  
12       (3).”; and

13       (4) by adding at the end the following new sub-  
14       section:

15       “(e) ELIGIBLE DESIGNEE DEFINED.—In this sec-  
16       tion, the term ‘eligible designee’ means a designee of an  
17       eligible organization who—

18           “(1) is a spouse, son, daughter, nephew, niece,  
19           or other family relation of a member or former  
20           member of the armed forces;

21           “(2) is at least 18 years of age; and

22           “(3) has successfully completed a formal fire-  
23           arm training program or a hunting safety pro-  
24           gram.”.

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC**  
5 **PAY AND REFORM OF BASIC PAY RATES.**

6 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
7 adjustment to become effective during fiscal year 2007 re-  
8 quired by section 1009 of title 37, United States Code,  
9 in the rates of monthly basic pay authorized members of  
10 the uniformed services shall not be made.

11 (b) **JANUARY 1, 2007, INCREASE IN BASIC PAY.**—  
12 Effective on January 1, 2007, the rates of monthly basic  
13 pay for members of the uniformed services are increased  
14 by 2.2 percent.

15 (c) **REFORM OF BASIC PAY RATES.**—Effective on  
16 April 1, 2007, the rates of monthly basic pay for members  
17 of the uniformed services within each pay grade are as  
18 follows:

## MONTHLY BASIC PAY

COMMISSIONED OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup> ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O-7 .....	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O-6 .....	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O-5 .....	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O-4 .....	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O-3 <sup>3</sup> ....	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O-2 <sup>3</sup> ....	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O-1 <sup>3</sup> ....	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup> ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O-7 .....	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
O-6 .....	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
O-5 .....	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
O-4 .....	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
O-3 <sup>3</sup> ....	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup> ..	\$0.00	\$13,659.00	\$13,725.90	\$14,011.20	\$14,508.60
O-9 .....	0.00	11,946.60	12,118.50	12,367.20	12,801.30
O-8 .....	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
O-7 .....	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
O-6 .....	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
O-5 .....	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
O-4 .....	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 <sup>3</sup> ....	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 <sup>2</sup> ..	\$14,508.60	\$15,234.00	\$15,234.00	\$15,995.70	\$15,995.70
O-9 .....	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
O-8 .....	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
O-7 .....	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
O-6 .....	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
O-5 .....	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
O-4 .....	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 <sup>3</sup> ....	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
O-10 <sup>2</sup> ..	\$16,795.50	\$16,795.50			
O-9 .....	14,819.10	14,819.10			
O-8 .....	12,185.70	12,185.70			
O-7 .....	10,493.70	10,493.70			
O-6 .....	9,216.30	9,216.30			
O-5 .....	7,373.10	7,373.10			
O-4 .....	6,252.30	6,252.30			
O-3 <sup>3</sup> ....	5,355.90	5,355.90			
O-2 <sup>3</sup> ....	3,936.60	3,936.60			
O-1 <sup>3</sup> ....	3,106.50	3,106.50			

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E ..	\$0.00	\$0.00	\$0.00	\$4,392.00	\$4,602.00
O-2E ..	0.00	0.00	0.00	3,857.40	3,936.60
O-1E ..	0.00	0.00	0.00	3,106.50	3,317.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E ..	\$4,833.00	\$4,982.70	\$5,228.40	\$5,435.40	\$5,554.20
O-2E ..	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
O-1E ..	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E ..	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 28	Over 30	Over 32	Over 34	Over 36
O-3E ..	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 38	Over 40			
O-3E ..	\$5,715.90	\$5,715.90			
O-2E ..	4,558.80	4,558.80			
O-1E ..	3,857.40	3,857.40			

## WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ....	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3 ....	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2 ....	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1 ....	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ....	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3 ....	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2 ....	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1 ....	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ....	\$0.00	\$6,049.50	\$6,356.40	\$6,585.00	\$6,838.20
W-4 ....	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3 ....	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2 ....	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1 ....	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5 ....	\$6,838.20	\$7,180.20	\$7,180.20	\$7,539.30	\$7,539.30
W-4 ....	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3 ....	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2 ....	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1 ....	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5 ....	\$7,916.40	\$7,916.40			
W-4 ....	6,337.80	6,337.80			
W-3 ....	5,450.10	5,450.10			
W-2 ....	4,589.50	4,589.40			
W-1 ....	4,170.00	4,170.00			

ENLISTED MEMBERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup> ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 .....	0.00	0.00	0.00	0.00	0.00
E-7 .....	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6 .....	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5 .....	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4 .....	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3 .....	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	<sup>3</sup> 1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup> ....	\$0.00	\$4,110.60	\$4,203.90	\$4,321.20	\$4,459.50
E-8 .....	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7 .....	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6 .....	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5 .....	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup> ....	\$4,598.40	\$4,821.60	\$5,010.30	\$5,209.20	\$5,512.80
E-8 .....	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7 .....	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6 .....	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5 .....	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9 <sup>2</sup> ....	\$5,512.80	\$5,788.50	\$5,788.50	\$6,078.00	\$6,078.00
E-8 .....	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7 .....	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6 .....	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5 .....	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9 <sup>2</sup> ....	\$6,381.90	\$6,381.90			
E-8 .....	4,799.10	4,799.10			
E-7 .....	4,204.20	4,204.20			
E-6 .....	3,133.50	3,133.50			
E-5 .....	2,630.10	2,630.10			
E-4 .....	2,062.80	2,062.80			
E-3 .....	1,729.20	1,729.20			
E-2 .....	1,458.90	1,458.90			
E-1 .....	1,301.40	1,301.40			

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$1,203.90.

1 **SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR**  
 2 **GENERAL AND FLAG OFFICER GRADES.**

3 (a) INCREASE.—Section 203(a)(2) of title 37, United  
 4 States Code, is amended by striking “level III of the Exec-  
 5 utive Schedule” and inserting “level II of the Executive  
 6 Schedule”.

7 (b) EFFECTIVE DATE.—The amendment made by  
 8 subsection (a) shall take effect on January 1, 2007, and  
 9 shall apply with respect to months beginning on or after  
 10 that date.

11 **SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHI-**  
 12 **BITION ON COMPENSATION FOR COR-**  
 13 **RESPONDENCE COURSES.**

14 Section 206(d) of title 37, United States Code, is  
 15 amended by adding at the end the following new para-  
 16 graph:

17 “(3) The prohibition in this subsection (including the  
 18 prohibition as it relates to a member of the National  
 19 Guard while not in Federal service) shall apply to—

20 “(A) any work or study performed on or after  
 21 September 7, 1962; and

22 “(B) any claim based on such work or study  
 23 arising after that date.”.



1 **SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST**  
 2 **REQUIRING CERTAIN INJURED MEMBERS TO**  
 3 **PAY FOR MEALS PROVIDED BY MILITARY**  
 4 **TREATMENT FACILITIES.**

5 (a) EXTENSION.—Section 402(h)(3) of title 37,  
 6 United States Code, is amended by striking “December  
 7 31, 2006” and inserting “December 31, 2007”.

8 (b) REPORT ON ADMINISTRATION OF PROHIBI-  
 9 TION.—Not later than February 1, 2007, the Secretary  
 10 of Defense shall submit to the congressional defense com-  
 11 mittees a report on the administration of section  
 12 402(h)(3) of title 37, United States Code (as amended by  
 13 subsection (a)). The report shall include—

- 14 (1) a description and assessment of the mecha-  
 15 nisms used by the military departments to imple-  
 16 ment the prohibition contained in such section; and  
 17 (2) such recommendations as the Secretary con-  
 18 siders appropriate regarding making such prohibi-  
 19 tion permanent.

20 **SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RE-**  
 21 **SERVES ON ACTIVE DUTY IN SUPPORT OF A**  
 22 **CONTINGENCY OPERATION.**

23 (a) IN GENERAL.—Section 403(g) of title 37, United  
 24 States Code, is amended—

- 25 (1) by redesignating paragraphs (2), (3), and  
 26 (4) as paragraphs (3), (4), and (5), respectively;

1           (2) by inserting after paragraph (1) the fol-  
 2           lowing new paragraph (2):

3           “(2)(A) Under regulations prescribed by the Sec-  
 4           retary of Defense and the Secretary of Homeland Security  
 5           with respect to the Coast Guard when it is not operating  
 6           as a service in the Department of the Navy, the Secretary  
 7           concerned may authorize payment of a housing allowance  
 8           to a member described in paragraph (1) at a monthly rate  
 9           equal to the rate of the basic allowance for housing under  
 10          subsection (b) or the overseas basic allowance for housing  
 11          under subsection (c), whichever applies to that location,  
 12          for members of the regular components at that location  
 13          in the same grade without dependents.

14          “(B) A member may concurrently receive a basic al-  
 15          lowance for housing under paragraph (1) and a housing  
 16          allowance under this paragraph, but may not receive the  
 17          portion of the allowance, if any, authorized under section  
 18          404 of this title for lodging expenses if a housing allow-  
 19          ance is authorized to be paid under this paragraph.”; and

20          (3) in paragraph (3), as so redesignated, by  
 21          striking “Paragraph (1)” and inserting “Paragraphs  
 22          (1) and (2)”.

23          (b) EFFECTIVE DATE.—The amendments made by  
 24          subsection (a) shall take effect on October 1, 2006, and

1 shall apply with respect to months beginning on or after  
2 that date.

3 **SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF**  
4 **HOUSING ALLOWANCE FOR DEPENDENTS OF**  
5 **MEMBERS DYING ON ACTIVE DUTY TO**  
6 **SPOUSES WHO ARE MEMBERS OF THE UNI-**  
7 **FORMED SERVICES.**

8 (a) IN GENERAL.—Section 403(l) of title 37, United  
9 States Code, is amended—

10 (1) by redesignating paragraph (3) as para-  
11 graph (4);

12 (2) by inserting after paragraph (2) the fol-  
13 lowing new paragraph (3):

14 “(3) A member of the uniformed services who is the  
15 spouse of a deceased member described in paragraph (2)  
16 may be paid a basic allowance for housing as provided for  
17 in that paragraph. An allowance paid under this para-  
18 graph is in addition to any other pay and allowances to  
19 which the member of the uniformed services is entitled  
20 under any other provision of law.”; and

21 (3) in paragraph (4), as so redesignated, by  
22 striking “(2)” and inserting “(2) or (3)”.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect on October 1, 2006, and shall

1 apply with respect to deaths occurring on or after that  
 2 date.

## 3 **Subtitle B—Bonuses and Special** 4 **and Incentive Pays**

### 5 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL** 6 **PAY AUTHORITIES FOR RESERVE FORCES.**

7 (a) SELECTED RESERVE REENLISTMENT BONUS.—  
 8 Section 308b(g) of title 37, United States Code, is amend-  
 9 ed by striking “December 31, 2006” and inserting “De-  
 10 cember 31, 2007”.

11 (b) SELECTED RESERVE AFFILIATION OR ENLIST-  
 12 MENT BONUS.—Section 308c(i) of such title is amended  
 13 by striking “December 31, 2006” and inserting “Decem-  
 14 ber 31, 2007”.

15 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
 16 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
 17 308d(c) of such title is amended by striking “December  
 18 31, 2006” and inserting “December 31, 2007”.

19 (d) READY RESERVE ENLISTMENT BONUS FOR PER-  
 20 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of  
 21 such title is amended by striking “December 31, 2006”  
 22 and inserting “December 31, 2007”.

23 (e) READY RESERVE ENLISTMENT AND REENLIST-  
 24 MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

tion 308h(e) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(f) **SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

**SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of such title is amended by striking “January 1, 2007” and inserting “January 1, 2008”.

(c) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(d) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2006” and inserting “Decem-  
2 ber 31, 2007”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
5 CIALTIES.—Section 302g(e) of such title is amended by  
6 striking “December 31, 2006” and inserting “December  
7 31, 2007”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
9 Section 302h(a)(1) of such title is amended by striking  
10 “December 31, 2006” and inserting “December 31,  
11 2007”.

12 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
13 Section 302j(a) of such title is amended by striking “De-  
14 cember 31, 2006” and inserting “December 31, 2007”.

15 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
16 **THORITIES FOR NUCLEAR OFFICERS.**

17 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
18 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
19 312(e) of title 37, United States Code, is amended by  
20 striking “December 31, 2006” and inserting “December  
21 31, 2007”.

22 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
23 312b(c) of such title is amended by striking “December  
24 31, 2006” and inserting “December 31, 2007”.

1       (c) NUCLEAR CAREER ANNUAL INCENTIVE  
 2 BONUS.—Section 312c(d) of such title is amended by  
 3 striking “December 31, 2006” and inserting “December  
 4 31, 2007.”

5 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
 6 **MENT OF OTHER BONUSES AND SPECIAL**  
 7 **PAYS.**

8       (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
 9 tion 301b(a) of title 37, United States Code, is amended  
 10 by striking “December 31, 2006” and inserting “Decem-  
 11 ber 31, 2007”.

12       (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)  
 13 of such title is amended by striking “December 31, 2007”  
 14 and inserting “December 31, 2008”.

15       (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
 16 BERS.—Section 308(g) of such title is amended by strik-  
 17 ing “December 31, 2006” and inserting “December 31,  
 18 2007”.

19       (d) ENLISTMENT BONUS.—Section 309(e) of such  
 20 title is amended by striking “December 31, 2006” and in-  
 21 serting “December 31, 2007”.

22       (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
 23 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY  
 24 UNITS.—Section 323(i) of such title is amended by strik-

1 ing “December 31, 2006” and inserting “December 31,  
2 2007”.

3 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
4 ICAL SKILLS.—Section 324(g) of such title is amended by  
5 striking “December 31, 2006” and inserting “December  
6 31, 2007”.

7 (g) INCENTIVE BONUS FOR CONVERSION TO MILI-  
8 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL  
9 SHORTAGE.—Section 326(g) of such title is amended by  
10 striking “December 31, 2006” and inserting “December  
11 31, 2007”.

12 (h) INCENTIVE BONUS FOR TRANSFER BETWEEN  
13 THE ARMED FORCES.—Section 327(h) of such title is  
14 amended by striking “December 31, 2006” and inserting  
15 “December 31, 2009”.

16 **SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RE-**  
17 **SERVE HEALTH CARE PROFESSIONALS IN**  
18 **CRITICALLY SHORT WARTIME SPECIALTIES.**

19 INCREASE IN SPECIAL PAY.—Section 302g(a) of title  
20 37, United States Code, is amended by striking “\$10,000”  
21 and inserting “\$25,000”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect on October 1, 2006, and  
24 shall apply to written agreements entered into under sec-



tion 302g of title 37, United States Code, on or after that date.

**SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION  
BONUS AUTHORITIES FOR CERTAIN OFFI-  
CERS IN HEALTH CARE SPECIALITIES.**

(a) INCREASE IN ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(2) of title 37, United States Code, is amended by striking “\$30,000” and inserting “\$200,000”.

(b) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

**“§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties**

“(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a graduate of an accredited school of medicine or osteopathy in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an ac-

1 cession bonus in the amount determined by the Secretary  
2 concerned.

3 “(2) The amount of an accession bonus under para-  
4 graph (1) may not exceed \$400,000.

5 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
6 person may not be paid a bonus under subsection (a) if—

7 “(1) the person, in exchange for an agreement  
8 to accept an appointment as an officer, received fi-  
9 nancial assistance from the Department of Defense  
10 to pursue a course of study in medicine or osteop-  
11 athy; or

12 “(2) the Secretary concerned determines that  
13 the person is not qualified to become and remain  
14 certified as a doctor or osteopath in a specialty de-  
15 scribed in subsection (c).

16 “(c) COVERED SPECIALTIES.—A specialty described  
17 in this subsection is a specialty designated by regulations  
18 as a critically short wartime specialty.

19 “(d) AGREEMENT.—The agreement referred to in  
20 subsection (a) shall provide that, consistent with the needs  
21 of the armed service concerned, the person executing the  
22 agreement will be assigned to duty, for the period of obli-  
23 gated service covered by the agreement, as an officer of  
24 the Medical Corps of the Army or the Navy or as an offi-

cer of the Air Force designated as a medical officer in  
a specialty described in subsection (c).

“(e) REPAYMENT.—A person who, after executing an  
agreement under subsection (a) is not commissioned as  
an officer of the armed forces, does not become licensed  
as a doctor or osteopath, as the case may be, or does not  
complete the period of active duty in a specialty specified  
in the agreement, shall be subject to the repayment provi-  
sions of section 303a(e) of this title.

“(f) TERMINATION OF AUTHORITY.—No agreement  
under this section may be entered into after December 31,  
2007.”.

(c) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
FICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—  
Chapter 5 of title 37, United States Code, as amended  
by subsection (b), is further amended by inserting after  
section 302k the following new section:

**“§ 302l. Special pay: accession bonus for dental spe-  
cialist officers in critically short wartime  
specialties**

“(a) ACCESSION BONUS AUTHORIZED.—(1) A person  
who is a graduate of an accredited dental school in a spe-  
cialty described in subsection (c) and who executes a writ-  
ten agreement described in subsection (d) to accept a com-  
mission as an officer of the Armed Forces and remain on

1 active duty for a period of not less than four consecutive  
 2 years may, upon the acceptance of the agreement by the  
 3 Secretary concerned, be paid an accession bonus in the  
 4 amount determined by the Secretary concerned.

5 “(2) The amount of an accession bonus under para-  
 6 graph (1) may not exceed \$400,000.

7 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
 8 person may not be paid a bonus under subsection (a) if—

9 “(1) the person, in exchange for an agreement  
 10 to accept an appointment as an officer, received fi-  
 11 nancial assistance from the Department of Defense  
 12 to pursue a course of study in dentistry; or

13 “(2) the Secretary concerned determines that  
 14 the person is not qualified to become and remain  
 15 certified as a dentist in a specialty described in sub-  
 16 section (c).

17 “(c) COVERED SPECIALTIES.—A specialty described  
 18 in this subsection is a specialty designated by regulations  
 19 as a critically short wartime specialty.

20 “(d) AGREEMENT.—The agreement referred to in  
 21 subsection (a) shall provide that, consistent with the needs  
 22 of the armed service concerned, the person executing the  
 23 agreement will be assigned to duty, for the period of obli-  
 24 gated service covered by the agreement, as an officer of  
 25 the Dental Corps of the Army or the Navy or as an officer

1 of the Air Force designated as a dental officer in a spe-  
 2 cialty described in subsection (c).

3 “(e) REPAYMENT.—A person who, after executing an  
 4 agreement under subsection (a) is not commissioned as  
 5 an officer of the armed forces, does not become licensed  
 6 as a dentist or does not complete the period of active duty  
 7 in a specialty specified in the agreement, shall be subject  
 8 to the repayment provisions of section 303a(e) of this title.

9 “(f) COORDINATION WITH OTHER ACCESSION  
 10 BONUS AUTHORITY.—A person eligible to execute an  
 11 agreement under both subsection (a) and section 302h of  
 12 this title shall elect which authority to execute the agree-  
 13 ment under. A person may not execute an agreement  
 14 under both subsection (a) and such section 302h.

15 “(g) TERMINATION OF AUTHORITY.—No agreement  
 16 under this section may be entered into after December 31,  
 17 2007.”.

18 (d) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of chapter 5 of such title is amended by  
 20 inserting after the item relating to section 302j the fol-  
 21 lowing new item:

“302k. Special pay: accession bonus for medical officers in critically short war-  
 time specialties.

“302l. Special pay: accession bonus for dental specialist officers in critically  
 short wartime specialties.”.

22 (e) EFFECTIVE DATE.—The amendments made by  
 23 this section shall take effect on October 1, 2006.

1 **SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION**  
 2 **BONUS FOR NUCLEAR-QUALIFIED OFFICERS.**

3 (a) INCREASE.—Section 312b(a)(1) of title 37,  
 4 United States Code, is amended by striking “\$20,000”  
 5 and inserting “\$30,000”.

6 (b) EFFECTIVE DATE.—The amendment made by  
 7 subsection (a) shall take effect on October 1, 2006, and  
 8 shall apply with respect to agreements under section 312b  
 9 of title 37, United States Code, entered into on or after  
 10 that date.

11 **SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLI-**  
 12 **CABLE TO THE TARGETED SHAPING OF THE**  
 13 **ARMED FORCES.**

14 (a) VOLUNTARY SEPARATION PAY AND BENEFITS.

15 (1) INCREASE IN MAXIMUM AMOUNT OF PAY.—  
 16 Subsection (f) of section 1175a of title 10, United  
 17 States Code, is amended by striking “two times”  
 18 and inserting “four times”.

19 (2) EXTENSION OF AUTHORITY.—Subsection  
 20 (k)(1) of such section is amended by striking “De-  
 21 cember 31, 2008” and inserting “December 31,  
 22 2012”.

23 (3) REPEAL OF LIMITATION ON APPLICA-  
 24 BILITY.—Subsection (b) of section 643 of the Na-  
 25 tional Defense Authorization Act for Fiscal Year

1       2006 (Public Law 109–163; 119 Stat. 3310; 10  
2       U.S.C. 1175a note) is repealed.

3       (b) RELAXATION OF LIMITATION ON SELECTIVE  
4 EARLY RETIREMENT.—Section 638(a)(2) of title 10,  
5 United States Code, is amended by adding at the end the  
6 following new sentence: “However, during the period be-  
7 ginning on October 1, 2006, and ending on December 31,  
8 2012, such number may be more than 30 percent of the  
9 number of officers considered in each competitive cat-  
10 egory, but may not be more than 30 percent of the number  
11 of officers considered in each grade.”.

12       (c) ENHANCED AUTHORITY FOR SELECTIVE EARLY  
13 RETIREMENT AND EARLY DISCHARGES.—

14           (1) RENEWAL OF AUTHORITY.—Subsection (a)  
15 of section 638a of title 10, United States Code, is  
16 amended by inserting “and during the period begin-  
17 ning on October 1, 2006, and ending on December  
18 31, 2012,” after “December 31, 2001,”.

19           (2) RELAXATION OF LIMITATION ON SELECTIVE  
20 EARLY RETIREMENT.—Subsection (c)(1) of such sec-  
21 tion is amended by adding at the end the following  
22 new sentence: “However, during the period begin-  
23 ning on October 1, 2006, and ending on December  
24 31, 2012, such number may be more than 30 per-  
25 cent of the number of officers considered in each

competitive category, but may not be more than 30 percent of the number of officers considered in each grade.”.

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: “, except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade”; and

(B) in subparagraph (B), by inserting before the period the following: “, except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade”.

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.—Section



1 327(d)(1) of title 37, United States Code, is amended by  
 2 striking “\$2,500” and inserting “\$10,000”.

3 **SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBU-**  
 4 **TIONS TO THRIFT SAVINGS PLAN FOR INI-**  
 5 **TIAL ENLISTEES IN THE ARMY.**

6 (a) EXTENSION.—Subsection (a) of section 606 of  
 7 the National Defense Authorization Act for Fiscal Year  
 8 2006 (Public Law 109–163; 119 Stat. 3287; 37 U.S.C.  
 9 211 note) is amended by striking “During fiscal year  
 10 2006” and inserting “During the period beginning on  
 11 January 6, 2006, and ending on December 31, 2008”.

12 (b) REPORT DATE.—Subsection (d)(1) of such sec-  
 13 tion is amended by striking “February 1, 2007” and in-  
 14 serting “February 1, 2008”.

15 **SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE**  
 16 **ARMED FORCES APPOINTED AS COMMIS-**  
 17 **SIONED OFFICERS AFTER COMPLETING OFFI-**  
 18 **CER CANDIDATE SCHOOL.**

19 (a) ACCESSION BONUS AUTHORIZED.—

20 (1) IN GENERAL.—Chapter 5 of title 37, United  
 21 States Code, is amended by adding at the end the  
 22 following new section:

1 **“§ 329. Special pay: accession bonus for officer can-**  
 2 **didates**

3 “(a) **ACCESSION BONUS AUTHORIZED.**—Under regu-  
 4 lations prescribed by the Secretary concerned, a person  
 5 who, during the period beginning on October 1, 2006, and  
 6 ending on December 31, 2007, executes a written agree-  
 7 ment described in subsection (b) may, upon acceptance of  
 8 the agreement by the Secretary concerned, be paid an ac-  
 9 cession bonus in an amount not to exceed \$8,000 deter-  
 10 mined by the Secretary concerned.

11 “(b) **AGREEMENT.**—A written agreement described  
 12 in this subsection is a written agreement by a person—

13 “(1) to complete officer candidate school;

14 “(2) to accept a commission or appointment as  
 15 an officer of the armed forces; and

16 “(3) to serve on active duty as a commissioned  
 17 officer for a period specified in such agreement.

18 “(c) **PAYMENT METHOD.**—Upon acceptance of a  
 19 written agreement under subsection (a) by the Secretary  
 20 concerned, the total amount of the accession bonus pay-  
 21 able under the agreement becomes fixed. The agreement  
 22 shall specify whether the accession bonus will be paid in  
 23 a lump sum or installments.

24 “(d) **REPAYMENT.**—A person who, having received all  
 25 or part of the bonus under a written agreement under sub-  
 26 section (a), does not complete the total period of active

1 duty as a commissioned officer as specified in such agree-  
 2 ment shall be subject to the repayment provisions of sec-  
 3 tion 303a(e) of this title.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-  
 5 tions at the beginning of chapter 5 of such title is  
 6 amended by adding at the end the following new  
 7 item:

“329. Special pay: accession bonus for officer candidates.”.

8 (3) EFFECTIVE DATE.—The amendments made  
 9 by this subsection shall take effect on October 1,  
 10 2006.

11 (b) AUTHORITY FOR PAYMENT OF BONUS UNDER  
 12 EARLIER AGREEMENTS.—

13 (1) IN GENERAL.—The Secretary of the Army  
 14 may pay a bonus to a person who, during the period  
 15 beginning on April 1, 2005, and ending on April 6,  
 16 2006, executed an agreement to enlist for the pur-  
 17 pose of attending officer candidate school and re-  
 18 ceive a bonus under section 309 of title 37, United  
 19 States Code, and who has completed the terms of  
 20 the agreement required for payment of the bonus.

21 (2) LIMITATION ON AMOUNT.—The amount of  
 22 the bonus payable to a person under this subsection  
 23 may not exceed \$8,000.

24 (3) CONSTRUCTION WITH ENLISTMENT  
 25 BONUS.—The bonus payable under this subsection is

1 in addition to a bonus payable under section 309 of  
 2 title 37, United States Code, or any other provision  
 3 of law.

4 **SEC. 621. ENHANCEMENT OF BONUS TO ENCOURAGE MEM-**  
 5 **BERS OF THE ARMY TO REFER OTHER PER-**  
 6 **SONS FOR ENLISTMENT IN THE ARMY.**

7 (a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection  
 8 (a) of section 645 of the National Defense Authorization  
 9 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
 10 3310) is amended—

11 (1) by striking “The Secretary” and inserting  
 12 the following:

13 “(1) IN GENERAL.—The Secretary”;

14 (2) by striking “a member of the Army, wheth-  
 15 er in the regular component of the Army or in the  
 16 Army National Guard or Army Reserve,” and insert-  
 17 ing “an individual referred to in paragraph (2)”;  
 18 and

19 (3) by adding at the end the following new  
 20 paragraph:

21 “(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-  
 22 ject to subsection (c), the following individuals are  
 23 eligible for a referral bonus under this section:

24 “(A) A member in the regular component  
 25 of the Army.

1                   “(B) A member of the Army National  
2                   Guard.

3                   “(C) A member of the Army Reserve.

4                   “(D) A member of the Army in a retired  
5                   status, including a member under 60 years of  
6                   age who, but for age, would be eligible for re-  
7                   tired pay.

8                   “(E) A civilian employee of the Depart-  
9                   ment of the Army.”.

10           (b) AMOUNT OF BONUS.—Subsection (d) of such sec-  
11           tion is amended to read as follows:

12           “(d) AMOUNT OF BONUS.—The amount of the bonus  
13           payable for a referral under subsection (a) may not exceed  
14           \$2,000. The amount shall be payable in two lump sums  
15           as provided in subsection (e).”.

16           (c) PAYMENT OF BONUS.—Subsection (e) of such  
17           section is amended to read as follows:

18           “(e) PAYMENT.—A bonus payable for a referral of  
19           a person under subsection (a) shall be paid as follows:

20                   “(1) Not more than \$1,000 shall be paid upon  
21                   the commencement of basic training by the person  
22                   referred.

23                   “(2) Not more than \$1,000 shall be paid upon  
24                   the completion of basic training and individual ad-  
25                   vanced training by the person referred.”.

1       (d) COORDINATION WITH RECEIPT OF RETIRED  
2 PAY.—Such section is further amended—

3           (1) by redesignating subsection (g) as sub-  
4 section (h); and

5           (2) by inserting after subsection (f) the fol-  
6 lowing new subsection (g):

7       “(g) COORDINATION WITH RECEIPT OF RETIRED  
8 PAY.—A bonus paid under this section to a member of  
9 the Army in a retired status is in addition to any com-  
10 pensation to such member is entitled under title 10, 37,  
11 or 38, United States Code, or under any other provision  
12 of law.”.

13       (e) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on the date of the enactment  
15 of this Act, and shall apply with respect to bonuses pay-  
16 able under section 645 of the National Defense Authoriza-  
17 tion Act for Fiscal Year 2006, as amended by this section,  
18 on or after that date.

## **Subtitle C—Travel and Transportation Allowances**

### **SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EX- PENSE.**

(a) COVERAGE OF PROPERTY OF CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.—Subsection (a) of section 2636a of title 10, United States Code, is amended by inserting “or civilian employees of the Department of Defense” after “members of the armed forces”.

(b) REQUIREMENT FOR PAYMENT.—Effective March 1, 2008, such subsection is further amended by striking “may include” and inserting “shall include”.

(c) REQUIREMENT FOR DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—Subsection (b) of such section is amended by striking “may be deducted” and inserting “shall be deducted”.

(d) CERTIFICATION ON FAMILIES FIRST PROGRAM.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary on the following matters with respect to the program of the Department of Defense known as “Families First”:

1           (1) Whether there is an alternative to the sys-  
 2           tem under the program that would provide equal or  
 3           greater capability at less cost.

4           (2) Whether the estimates on costs, and the an-  
 5           ticipated schedule and performance parameters, for  
 6           the program and system are reasonable.

7           (3) Whether the management structure for the  
 8           program is adequate to manage and control program  
 9           costs.

10       (e) COMPTROLLER GENERAL REPORTS ON FAMILIES  
 11 FIRST PROGRAM.—

12           (1) REVIEW.—The Comptroller General of the  
 13           United States shall conduct a review and assessment  
 14           of the progress of the Department of Defense in im-  
 15           plementing the Families First program.

16           (2) ELEMENTS.—In conducting the review and  
 17           assessment required by paragraph (1), the Comp-  
 18           troller General shall—

19                (A) assess the progress of the Department  
 20                in achieving the goals of the Families First pro-  
 21                gram, including progress in the development  
 22                and deployment of the Defense Personal Prop-  
 23                erty System;

24                (B) assess the organization, staffing, re-  
 25                sources, and capabilities of the Defense Per-



1           sonal Property System Project Management Of-  
2           fice established on April 7, 2006;

3           (C) evaluate the growth in cost of the pro-  
4           gram since the previous assessment of the pro-  
5           gram by the Comptroller General, and estimate  
6           the current annual cost of the Defense Personal  
7           Property System and each component of that  
8           system; and

9           (D) assess the feasibility of implementing  
10          processes and procedures, pending the satisfac-  
11          tory development of the Defense Personal Prop-  
12          erty System, which would achieve the goals of  
13          the program of providing improved personal  
14          property management services to members of  
15          the Armed Forces.

16          (3) REPORTS.—The Comptroller General shall  
17          submit to the Committees on Armed Services of the  
18          Senate and the House of Representatives reports as  
19          follows:

20               (A) An interim report on the review and  
21               assessment required by paragraph (1) not later  
22               than December 1, 2006.

23               (B) A final report on the review and as-  
24               sessment by not later than June 1, 2007.

## **Subtitle D—Retired Pay and Survivor Benefits**

### **SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND AND GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) DEPARTMENT OF DEFENSE MILITARY RETIRE-  
MENT FUND.—

(1) DETERMINATION OF CONTRIBUTIONS.—

Section 1465 of title 10, United States Code, is  
amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking “(other than ac-  
tive duty for training)”;

(II) by striking “(other than full-  
time National Guard duty for training  
only)”; and

(III) by inserting before the pe-  
riod at the end the following: “, ex-  
cept that amounts expected to be paid  
to members who would be excluded  
from counting for active-duty end  
strength purposes by section 115(i) of

- 1 this title for duty covered by such sec-
- 2 tion shall be excluded”; and
- 3 (ii) in subparagraph (B)(ii)—
- 4 (I) by striking “Ready Reserve”
- 5 and inserting “Selected Reserve”; and
- 6 (II) by striking “and other than
- 7 members on full-time National Guard
- 8 duty other than for training) who
- 9 are” and inserting “) for duty”; and
- 10 (B) in subsection (c)(1)—
- 11 (i) in subparagraph (A)—
- 12 (I) by striking “(other than ac-
- 13 tive duty for training)”;
- 14 (II) by striking “(other than full-
- 15 time National Guard duty for training
- 16 only)”; and
- 17 (III) by inserting “other than
- 18 members who would be excluded from
- 19 counting for active-duty end strength
- 20 purposes by section 115(i) of this title
- 21 for duty covered by such section,”
- 22 after “full-time National Guard
- 23 duty,”; and
- 24 (ii) in subparagraph (B)—

1 (I) by striking “Ready Reserve”  
 2 and inserting “Selected Reserve”; and  
 3 (II) by striking “and other than  
 4 members on full-time National Guard  
 5 duty other than for training) who  
 6 are” and inserting “) for duty”.

7 (2) PAYMENTS.—Section 1466(a) of such title  
 8 is amended—

9 (A) in paragraph (1)(B)—

10 (i) by striking “(other than active  
 11 duty for training)”;

12 (ii) by striking “(other than full-time  
 13 National Guard duty for training only)”;  
 14 and

15 (iii) by inserting before the period at  
 16 the end the following: “, except that  
 17 amounts accrued for that month by mem-  
 18 bers who would be excluded from counting  
 19 for active-duty end strength purposes by  
 20 section 115(i) of this title for duty covered  
 21 by such section shall be excluded”; and

22 (B) in paragraph (2)(B)—

23 (i) by striking “Ready Reserve” and  
 24 inserting “Selected Reserve”; and

1 (ii) by striking “and other than mem-  
 2 bers on full-time National Guard duty  
 3 other than for training) who are” and in-  
 4 serting “) for duty”.

5 (b) DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE  
 6 RETIREE HEALTH CARE FUND.—

7 (1) EXCLUSION OF CADETS AND MIDSHIPMEN  
 8 FROM TREATMENT ON ACTIVE DUTY.—Section  
 9 1111(b) of such title is amended by adding at the  
 10 end the following new paragraph:

11 “(5) The term ‘members of the uniformed serv-  
 12 ices on active duty’ does not include a cadet at the  
 13 United States Military Academy, the United States  
 14 Air Force Academy, or the United States Coast  
 15 Guard Academy, or a midshipman at the United  
 16 States Naval Academy.”.

17 (2) DETERMINATION OF CONTRIBUTIONS.—  
 18 Section 1115 of such title is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (1)(B)—

21 (I) by striking “(other than ac-  
 22 tive duty for training)”;

23 (II) by striking “(other than full-  
 24 time National Guard duty for training  
 25 only)”;

1 (III) by inserting before the pe-  
 2 riod at the end the following: “, other  
 3 than members who would be excluded  
 4 from counting for active-duty end  
 5 strength purposes by section 115(i) of  
 6 this title for duty covered by such sec-  
 7 tion”; and

8 (ii) in paragraph (2)(B)—

9 (I) by striking “Ready Reserve”  
 10 and inserting “Selected Reserve”; and

11 (II) by striking “other than  
 12 members on full-time National Guard  
 13 duty other than for training”; and

14 (B) in subsection (c)(1)—

15 (i) in subparagraph (A)—

16 (I) by striking “(other than ac-  
 17 tive duty for training)”; and

18 (II) by striking “(other than full-  
 19 time National Guard duty for training  
 20 only)”; and

21 (III) by inserting before the  
 22 semicolon the following: “, other than  
 23 members who would be excluded from  
 24 counting for active-duty end strength

1 purposes by section 115(i) of this title  
 2 for duty covered by such section”; and  
 3 (ii) in subparagraph (B)—

4 (I) by striking “Ready Reserve”  
 5 and inserting “Selected Reserve”; and

6 (II) by striking “(other than  
 7 members on full-time National Guard  
 8 duty other than for training)”.

9 (c) EFFECTIVE DATE.—The amendments made by  
 10 this section shall take effect on October 1, 2007.

11 **SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF**  
 12 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**  
 13 **AND INDEMNITY COMPENSATION.**

14 (a) REPEAL.—

15 (1) IN GENERAL.—Subchapter II of chapter 73  
 16 of title 10, United States Code, is amended as fol-  
 17 lows:

18 (A) In section 1450, by striking subsection  
 19 (c).

20 (B) In section 1451(c)—

21 (i) by striking paragraph (2); and

22 (ii) by redesignating paragraphs (3)  
 23 and (4) as paragraphs (2) and (3), respec-  
 24 tively.

1           (2) CONFORMING AMENDMENTS.—Such sub-  
2 chapter is further amended as follows:

3           (A) In section 1450—

4                   (i) by striking subsection (e); and

5                   (ii) by striking subsection (k).

6           (B) In section 1451(g)(1), by striking sub-  
7 paragraph (C).

8           (C) In section 1452—

9                   (i) in subsection (f)(2), by striking  
10 “does not apply—” and all that follows  
11 and inserting “does not apply in the case  
12 of a deduction made through administra-  
13 tive error.”; and

14                   (ii) by striking subsection (g).

15           (D) In section 1455(c), by striking “,  
16 1450(k)(2),”.

17       (b) PROHIBITION ON RETROACTIVE BENEFITS.—No  
18 benefits may be paid to any person for any period before  
19 the effective date provided under subsection (e) by reason  
20 of the amendments made by subsection (a).

21       (c) RETURN OF SBP PREMIUMS PREVIOUSLY RE-  
22 FUNDED TO SBP RECIPIENTS.—

23           (1) RETURN OF CERTAIN REFUNDED AMOUNTS  
24 REQUIRED.—Under regulations prescribed by the  
25 Secretary of Defense, a surviving spouse who is or



1 has been in receipt of an annuity under the Survivor  
2 Benefit Plan under subchapter II of chapter 73 of  
3 title 10, United States Code, that is in effect before  
4 the effective date provided under subsection (e) and  
5 that is adjusted by reason of the amendments made  
6 by subsection (a) and who has received a refund of  
7 retired pay under section 1450(e) of title 10, United  
8 States Code (as in effect on the day before the effec-  
9 tive date provided under subsection (e)), shall be re-  
10 quired to repay such refund to the United States.

11 (2) TERMS AND CONDITIONS.—A surviving  
12 spouse repaying a refund to the United States under  
13 this subsection shall not be required to pay the  
14 United States any interest that would otherwise ac-  
15 crue or have accrued on any balance of such refund  
16 while such balance remains unpaid to the United  
17 States under this subsection. The amount repayable  
18 to the United States shall be repayable in a lump  
19 sum or over a period of years (not to exceed 10  
20 years) agreed to by the surviving spouse or specified  
21 by the Secretary of Defense, in the absence of such  
22 an agreement.

23 (3) WAIVER OF REPAYMENT.—The Secretary of  
24 Defense may waive the repayment of a refund under  
25 this subsection if the Secretary determines that—

1 (A) hardship or other circumstances make  
 2 repayment of such refund unwarranted;

3 (B) repayment of such refund would other-  
 4 wise not be in the best interests of the United  
 5 States.

6 (d) RECONSIDERATION OF OPTIONAL ANNUITY.—  
 7 Section 1448(d)(2)(B) of title 10, United States Code, is  
 8 amended by adding at the end the following new sen-  
 9 tences: “The surviving spouse, however, may elect to ter-  
 10 minate an annuity under this subparagraph in accordance  
 11 with regulations prescribed by the Secretary concerned.  
 12 Upon such an election, payment of an annuity to depend-  
 13 ent children under this subparagraph shall terminate ef-  
 14 fective on the first day of the first month that begins after  
 15 the date on which the Secretary concerned receives notice  
 16 of the election, and, beginning on that day, an annuity  
 17 shall be paid to the surviving spouse under paragraph (1)  
 18 instead.”.

19 (e) EFFECTIVE DATE.—The amendments made by  
 20 this section shall take effect on the later of—

21 (1) the first day of the first month that begins  
 22 after the date of the enactment of this Act; or

23 (2) the first day of the fiscal year that begins  
 24 in the calendar year in which this Act is enacted.

1 **SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER**  
 2 **SURVIVOR BENEFIT PLAN.**

3 Section 1452(j) of title 10, United States Code, is  
 4 amended by striking “October 1, 2008” and inserting  
 5 “October 1, 2006”.

6 **SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAY-**  
 7 **MENT OF DIVISIBLE RETIRED PAY.**

8 (a) REPEAL OF CERTAIN CONDITION.—Section  
 9 1408(d) of title 10, United States Code, is amended—

10 (1) by striking paragraph (2); and

11 (2) by redesignating paragraphs (3) through  
 12 (7) as paragraphs (2) through (6), respectively.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendments made by  
 15 subsection (a) shall take effect on the first day of  
 16 the first month that begins more than 120 days  
 17 after the date of the enactment of this Act.

18 (2) PROHIBITION ON RETROACTIVE PAY-  
 19 MENTS.—No payment may be made under section  
 20 1408(d) of title 10, United States Code, to or for  
 21 the benefit of any person covered by paragraph (2)  
 22 of such section (as in effect on the day before the  
 23 effective date specified in paragraph (1)) for any pe-  
 24 riod before such effective date.

1 **SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS**  
 2 **OF RETIRED PAY TREATED AS DIVISIBLE**  
 3 **PROPERTY.**

4 (a) IN GENERAL.—Section 1408 of title 10, United  
 5 States Code, is amended—

6 (1) by redesignating subsections (i), (j), and (k)  
 7 as subsections (j), (k), and (l), respectively; and

8 (2) by inserting after subsection (h) the fol-  
 9 lowing new subsection (i):

10 “(i) COST OF LIVING ADJUSTMENTS OF DIVISIBLE  
 11 PROPERTY.—A court order under subsection (a)(2)(C)  
 12 may provide for the adjustment of the amount, if ex-  
 13 pressed in dollars, payable from the disposable retired pay  
 14 of a member at the same time and in the same manner  
 15 as retired pay is adjusted to reflect changes in the Con-  
 16 sumer Price Index under section 1401a of this title.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
 18 subsection (a) shall take effect on the date of the enact-  
 19 ment of this Act, and shall apply with respect to court  
 20 orders that become effective after the end of the 90-day  
 21 period beginning on the date of enactment of this Act.

22 **SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT OR-**  
 23 **DERS ON PAYMENT OF RETIRED PAY.**

24 (a) WAIVER OF NOTICE.—Subsection (g) of section  
 25 1408 of title 10, United States Code, is amended—

26 (1) by inserting “(1)” before “A person”; and

1           (2) by adding at the end the following new  
2       paragraph:

3       “(2) A member may waive receipt of notice on a court  
4       order otherwise required by paragraph (1). The waiver  
5       shall take such form and include such requirements as the  
6       Secretary concerned may prescribe.”.

7       (b) COPY OF COURT ORDER UPON REQUEST.—Such  
8       subsection is further amended—

9           (1) in paragraph (1), as designated by sub-  
10       section (a)(1) of this section, by striking “(together  
11       with a copy of such order)”; and

12          (2) by adding at the end the following new  
13       paragraph:

14       “(3) Upon the request of a member, written notice  
15       of a court order under paragraph (1) shall include a copy  
16       of the court order.”.

17       (c) EFFECTIVE DATE.—The amendments made by  
18       this section shall take effect on the date that is 90 days  
19       after the date of the enactment of this Act, and shall apply  
20       with respect to court orders received on or after such date.

1 **SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DE-**  
 2 **VICES BY CERTAIN MEMBERS OF THE ARMED**  
 3 **FORCES AFTER SEPARATION FROM SERVICE.**

4 (a) RETENTION AUTHORIZED.—Chapter 58 of title  
 5 10, United States Code, is amended by adding at the end  
 6 the following new section:

7 **“§ 1154. Retention of assistive technology and devices**  
 8 **provided before separation**

9 “(a) IN GENERAL.—Under regulations prescribed by  
 10 the Secretary of Defense, a member of the armed forces  
 11 who is provided an assistive technology or assistive tech-  
 12 nology device while a member of the armed forces for a  
 13 severe or debilitating illness or injury incurred or aggra-  
 14 vated by such member on active duty may retain such as-  
 15 sistive technology or assistive technology device after sepa-  
 16 ration from the armed forces.

17 “(b) DEFINITIONS.—In this section, the terms ‘as-  
 18 sistive technology’ and ‘assistive technology device’ have  
 19 the meaning given such terms in section 3 of the Assistive  
 20 Technology Act of 1998 (29 U.S.C. 3002).”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
 22 at the beginning of chapter 58 of such title is amended  
 23 by adding at the end the following new item:

“1154. Retention of assistive technology and devices provided before separa-  
 tion.”.

1 **SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR**  
 2 **DEATHS OF MEMBERS OF THE ARMED**  
 3 **FORCES AS FALLEN HERO COMPENSATION.**

4 (a) IN GENERAL.—Subchapter II of chapter 75 of  
 5 title 10, United States Code, is amended as follows:

6 (1) In section 1475(a), by striking “have a  
 7 death gratuity paid” and inserting “have fallen hero  
 8 compensation paid”.

9 (2) In section 1476(a)—

10 (A) in paragraph (1), by striking “a death  
 11 gratuity” and inserting “fallen hero compensa-  
 12 tion”; and

13 (B) in paragraph (2), by striking “A death  
 14 gratuity” and inserting “Fallen hero compensa-  
 15 tion”.

16 (3) In section 1477(a), by striking “A death  
 17 gratuity” and inserting “Fallen hero compensation”.

18 (4) In section 1478(a), by striking “The death  
 19 gratuity” and inserting “The amount of fallen hero  
 20 compensation”.

21 (5) In section 1479(1), by striking “the death  
 22 gratuity” and inserting “fallen hero compensation”.

23 (6) In section 1489—

24 (A) in subsection (a), by striking “a gra-  
 25 tuity” in the matter preceding paragraph (1)  
 26 and inserting “fallen hero compensation”; and

1 (B) in subsection (b)(2), by inserting “or  
 2 other assistance” after “lesser death gratuity”.

3 (b) CLERICAL AMENDMENTS.—

4 (1) HEADING AMENDMENTS.—Such subchapter  
 5 is further amended by striking “**Death Gra-**  
 6 **tuity:**” each place it appears in the heading of sec-  
 7 tions 1475 through 1480 and 1489 and inserting  
 8 “**Fallen Hero Compensation:**”.

9 (2) TABLE OF SECTIONS.—The table of sections  
 10 at the beginning of such subchapter is amended by  
 11 striking “Death gratuity:” in the items relating to  
 12 sections 1474 through 1480 and 1489 and inserting  
 13 “Fallen hero compensation:”.

14 (c) GENERAL REFERENCES.—Any reference to a  
 15 death gratuity payable under subchapter II of chapter 75  
 16 of title 10, United States Code, in any law, regulation,  
 17 document, paper, or other record of the United States  
 18 shall be deemed to be a reference to fallen hero compensa-  
 19 tion payable under such subchapter, as amended by this  
 20 section.



1 **SEC. 649. EFFECTIVE DATE OF TERMINATION OF PHASE-IN**  
 2 **OF CONCURRENT RECEIPT FOR VETERANS**  
 3 **WITH SERVICE-CONNECTED DISABILITIES**  
 4 **RATED AS TOTAL BY VIRTUE OF**  
 5 **UNEMPLOYABILITY.**

6 (a) IN GENERAL.—Section 1414(a)(1) of title 10,  
 7 United States Code, is amended by striking “100 percent”  
 8 the first place it appears and all that follows and inserting  
 9 “100 percent and in the case of a qualified retiree receiv-  
 10 ing veterans’ disability compensation at the rate payable  
 11 for a 100 percent disability by reason of a determination  
 12 of individual unemployability, payment of retired pay to  
 13 such veteran is subject to subsection (c) only during the  
 14 period beginning on January 1, 2004, and ending on De-  
 15 cember 31, 2004.”.

16 (b) EFFECTIVE DATE.—The amendment made by  
 17 subsection (a) shall take effect on December 31, 2004.

18 **SEC. 650. DETERMINATION OF RETIRED PAY BASE OF GEN-**  
 19 **ERAL AND FLAG OFFICERS BASED ON RATES**  
 20 **OF BASIC PAY PROVIDED BY LAW.**

21 (a) DETERMINATION OF RETIRED PAY BASE.—

22 (1) IN GENERAL.—Chapter 71 of title 10,  
 23 United States Code, is amended by inserting after  
 24 section 1407 the following new section:

1 **“§ 1407a. Retired pay base: members who were gen-**  
 2 **eral or flag officers**

3 “Notwithstanding any other provision of law, if the  
 4 determination of the retired pay base or retainer pay base  
 5 under section 1406 or 1407 of this title with respect to  
 6 a person who was a commissioned officer in pay grades  
 7 O–7 through O–10 involves a rate or rates of basic pay  
 8 that were subject to a reduction under section 203(a)(2)  
 9 of title 37, such determination shall be made utilizing such  
 10 rate or rates of basic pay in effect as provided by law rath-  
 11 er than such rate or rates as so reduced under section  
 12 203(a)(2) of title 37.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
 14 tions for chapter 71 of such title is amended by in-  
 15 serting after the item relating to section 1407 the  
 16 following new item:

“1407a. Retired pay base: members who were general or flag officers.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
 18 subsection (a) shall take effect on October 1, 2006, and  
 19 shall apply with respect to the computation of retired pay  
 20 for members of the Armed Forces who retire on or after  
 21 that date.

1 **SEC. 651. INAPPLICABILITY OF RETIRED PAY MULTIPLIER**  
 2 **MAXIMUM PERCENTAGE TO SERVICE OF**  
 3 **MEMBERS OF THE ARMED FORCES IN EXCESS**  
 4 **OF 30 YEARS.**

5 (a) IN GENERAL.—Paragraph (3) of section 1409(b)  
 6 of title 10, United States Code, is amended to read as  
 7 follows:

8 “(3) 30 YEARS OF SERVICE.—

9 “(A) RETIREMENT BEFORE JANUARY 1,  
 10 2007.—In the case of a member who retires be-  
 11 fore January 1, 2007, with more than 30 years  
 12 of creditable service, the percentage to be used  
 13 under subsection (a) is 75 percent.

14 “(B) RETIREMENT AFTER DECEMBER 31,  
 15 2006.—In the case of a member who retires  
 16 after December 31, 2006, with more than 30  
 17 years of creditable service, the percentage to be  
 18 used under subsection (a) is the sum of—

19 “(i) 75 percent; and

20 “(ii) the product (stated as a percent-  
 21 age) of—

22 “(I) 2<sup>1</sup>/<sub>2</sub>; and

23 “(II) the member’s years of cred-  
 24 itable service (as defined in subsection  
 25 (c)) in excess of 30 years of creditable  
 26 service in any service, regardless of

1                   when served, under conditions author-  
 2                   ized for purposes of this subparagraph  
 3                   during a period designated by the Sec-  
 4                   retary of Defense for purposes of this  
 5                   subparagraph.”.

6           (b) RETIRED PAY FOR NON-REGULAR SERVICE.—

7   Section 12739(c) of such title is amended—

8                   (1) by striking “The total amount” and insert-  
 9           ing “(1) Except as provided in paragraph (2), the  
 10           total amount”; and

11                   (2) by adding at the end the following new  
 12           paragraph:

13           “(2) In the case of a person who retires after Decem-  
 14   ber 31, 2006, with more than 30 years of service credited  
 15   to that person under section 12733 of this title, the total  
 16   amount of the monthly retired pay computed under sub-  
 17   sections (a) and (b) may not exceed the sum of—

18                   “(A) 75 percent of the retired pay base upon  
 19           which the computation is based; and

20                   “(B) the product of—

21                   “(i) the retired pay base upon which the  
 22           computation is based; and

23                   “(ii) 2½ percent of the years of service  
 24           credited to that person under section 12733 of  
 25           this title for service, regardless of when served,

1 under conditions authorized for purposes of this  
 2 paragraph during a period designated by the  
 3 Secretary of Defense for purposes of this para-  
 4 graph.”.

5 **SEC. 652. MODIFICATION OF ELIGIBILITY FOR COMMENCE-**  
 6 **MENT OF AUTHORITY FOR OPTIONAL ANNU-**  
 7 **ITIES FOR DEPENDENTS UNDER THE SUR-**  
 8 **VIVOR BENEFIT PLAN.**

9 (a) IN GENERAL.—Section 1448(d)(2)(B) of title 10,  
 10 United States Code, is amended by striking “who dies  
 11 after November 23, 2003” and inserting “who dies after  
 12 October 7, 2001”.

13 (b) APPLICABILITY.—Any annuity payable to a de-  
 14 pendent child under subchapter II of chapter 73 of title  
 15 10, United States Code, by reason of the amendment  
 16 made by subsection (a) shall be payable only for months  
 17 beginning on or after the date of the enactment of this  
 18 Act.

19 **SEC. 653. COMMENCEMENT OF RECEIPT OF NON-REGULAR**  
 20 **SERVICE RETIRED PAY BY MEMBERS OF THE**  
 21 **READY RESERVE ON ACTIVE FEDERAL STA-**  
 22 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-**  
 23 **RIODS.**

24 (a) REDUCED ELIGIBILITY AGE.—Section 12731 of  
 25 title 10, United States Code, is amended—

1           (1) in subsection (a), by striking paragraph (1)  
2           and inserting the following:

3           “(1) has attained the eligibility age applicable  
4           under subsection (f) to that person;” and

5           (2) by adding at the end the following new sub-  
6           section:

7           “(f)(1) Subject to paragraph (2), the eligibility age  
8           for purposes of subsection (a)(1) is 60 years of age.

9           “(2)(A) In the case of a person who as a member  
10          of the Ready Reserve serves on active duty or performs  
11          active service described in subparagraph (B) after Sep-  
12          tember 11, 2001, the eligibility age for purposes of sub-  
13          section (a)(1) shall be reduced below 60 years of age by  
14          three months for each aggregate of 90 days on which such  
15          person so performs in any fiscal year after such date, sub-  
16          ject to subparagraph (C). A day of duty may be included  
17          in only one aggregate of 90 days for purposes of this sub-  
18          paragraph.

19          “(B)(i) Service on active duty described in this sub-  
20          paragraph is service on active duty pursuant to a call or  
21          order to active duty under a provision of law referred to  
22          in section 101(a)(13)(B) of this title or under section  
23          12301(d) of this title. Such service does not include service  
24          on active duty pursuant to a call or order to active duty  
25          under section 12310 of this title.

1       “(ii) Active service described in this subparagraph is  
 2 service under a call to active service authorized by the  
 3 President or the Secretary of Defense under section 502(f)  
 4 of title 32 for purposes of responding to a national emer-  
 5 gency declared by the President or supported by Federal  
 6 funds.

7       “(C) The eligibility age for purposes of subsection  
 8 (a)(1) may not be reduced below 50 years of age for any  
 9 person under subparagraph (A).”.

10       (b) CONTINUATION OF AGE 60 AS MINIMUM AGE  
 11 FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES  
 12 FOR HEALTH CARE.—Section 1074(b) of such title is  
 13 amended—

14               (1) by inserting “(1)” after “(b)”; and

15               (2) by adding at the end the following new  
 16 paragraph:

17       “(2) Paragraph (1) does not apply to a member or  
 18 former member entitled to retired pay for non-regular  
 19 service under chapter 1223 of this title who is under 60  
 20 years of age.”.

21       (c) ADMINISTRATION OF RELATED PROVISIONS OF  
 22 LAW OR POLICY.—With respect to any provision of law,  
 23 or of any policy, regulation, or directive of the executive  
 24 branch that refers to a member or former member of the  
 25 uniformed services as being eligible for, or entitled to, re-

1   tired pay under chapter 1223 of title 10, United States  
 2   Code, but for the fact that the member or former member  
 3   is under 60 years of age, such provision shall be carried  
 4   out with respect to that member or former member by  
 5   substituting for the reference to being 60 years of age a  
 6   reference to having attained the eligibility age applicable  
 7   under subsection (f) of section 12731 of title 10, United  
 8   States Code (as added by subsection (a)), to such member  
 9   or former member for qualification for such retired pay  
 10   under subsection (a) of such section.

11       (d) **EFFECTIVE DATE AND APPLICABILITY.**—The  
 12   amendment made by subsection (a) shall take effect as  
 13   of September 11, 2001, and shall apply with respect to  
 14   applications for retired pay that are submitted under sec-  
 15   tion 12731(a) of title 10, United States Code, on or after  
 16   the date of the enactment of this Act.

## 17                   **Subtitle E—Other Matters**

### 18   **SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE** 19                   **ARMY EVACUATED FROM A COMBAT ZONE** 20                   **FOR INPATIENT CARE.**

21       (a) **AUDIT REQUIRED.**—

22               (1) **IN GENERAL.**—The Secretary of the Army  
 23   shall conduct a complete audit of the pay accounts  
 24   of each member of the Army wounded or injured in  
 25   a combat zone who was evacuated from a theater of



1 operations for inpatient care during the period be-  
2 ginning on May 1, 2005, and ending on April 30,  
3 2006.

4 (2) REPORT.—Not later than 120 days after  
5 the date of the enactment of this Act, the Secretary  
6 shall submit to the congressional defense committees  
7 a report on the audit conducted under paragraph  
8 (1).

9 (3) REPORT ELEMENTS.—The report under  
10 paragraph (2) shall include the following:

11 (A) A list of each member of the Army de-  
12 scribed in paragraph (1) identified (in a man-  
13 ner that protects the privacy of members so  
14 listed) by—

15 (i) date of wound or injury on which  
16 inclusion of such member on the list is  
17 based; and

18 (ii) grade and unit designation as of  
19 such date.

20 (B) For each member so listed, a state-  
21 ment of any underpayment of each of any pay,  
22 allowance, or other monetary benefit to which  
23 such member was entitled during the period be-  
24 ginning on the date of such wound or injury  
25 and ending on April 30, 2006, including basic

1 pay, hazardous duty pay, imminent danger pay,  
2 basic allowance for housing, basic allowance for  
3 subsistence, any family separation allowance,  
4 any tax exclusion for combat duty, and any  
5 other pay, allowance, or monetary benefit to  
6 which such member was entitled during such  
7 period.

8 (C) For each member so listed, a state-  
9 ment of any disbursements made to correct un-  
10 derpayments made to such member as identified  
11 under subparagraph (B).

12 (D) For each member so listed, a state-  
13 ment of any debts to the United States col-  
14 lected or pending collection from such member.

15 (E) For each member so listed, a state-  
16 ment of any reimbursements or debt relief  
17 granted to such member for a debt identified  
18 under subparagraph (D).

19 (F) For each member so listed who has ap-  
20 plied to the United States for a relief of debt—

21 (i) a description of the nature of the  
22 debt for which relief was applied; and

23 (ii) a description of the disposition of  
24 the application, including, if granted, the

1 date of disbursement for relief granted,  
2 and, if denied, the reasons for the denial.

3 (G) For each member so listed, a report of  
4 any referral of such member to a collection or  
5 credit agency.

6 (4) FORM.—The report under paragraph (2)  
7 shall be in unclassified form, but may include a clas-  
8 sified annex.

9 (b) ASSISTANCE WITH PAY OR ACCOUNT DIFFICUL-  
10 TIES.—

11 (1) CALL ASSISTANCE CENTER.—Not later than  
12 60 days after the date of the enactment of this Act,  
13 the Secretary of Defense shall establish within the  
14 Department of Defense an assistance center, acces-  
15 sible by toll-free telephone call, through which a cov-  
16 ered member of the Armed Forces, or the primary  
17 next of kin of such a member in the case of such  
18 a member who dies, may secure assistance in resolv-  
19 ing difficulties relating to the military pay or ac-  
20 counts of such member.

21 (2) REQUESTS FOR ASSISTANCE.—A request for  
22 assistance under paragraph (1) may be made—

23 (A) by a covered member of the Armed  
24 Forces; or

1 (B) by the primary next of kin on behalf  
 2 of, or with respect to, a covered member of the  
 3 Armed Forces.

4 (3) RESPONSE TO REQUESTS FOR ASSIST-  
 5 ANCE.—The Secretary shall ensure that, in pro-  
 6 viding assistance under paragraph (1) to a covered  
 7 member of the Armed Forces or next of kin of such  
 8 a member, personnel of the assistance center estab-  
 9 lished under that paragraph—

10 (A) provide an initial response to the re-  
 11 quest for assistance under paragraph (2) not  
 12 later than 10 days after receipt of such request;  
 13 and

14 (B) provide a final response to the request  
 15 for assistance under that paragraph not later  
 16 than 30 days after receipt of such request.

17 (4) COVERED MEMBER OF THE ARMED FORCES  
 18 DEFINED.—In this subsection, the term “covered  
 19 member of the Armed Forces” means a member of  
 20 the Armed Forces wounded or injured in a combat  
 21 zone who is evacuated from a theater of operations  
 22 for inpatient care.

23 **SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACH-**  
 24 **ERS.**

25 (a) PILOT PROGRAM REQUIRED.—

1           (1) IN GENERAL.—The Secretary of Defense  
2       shall, in coordination with the Secretary of Health  
3       and Human Services and the Secretary of Edu-  
4       cation, conduct a pilot program to assess the feasi-  
5       bility and potential benefits of a program to—

6           (A) assist nurse corps officers described in  
7       subsection (c) in achieving necessary qualifica-  
8       tions to become nurse educators and in securing  
9       employment as nurse educators at accredited  
10      schools of nursing;

11          (B) provide scholarships to nurse corps of-  
12      ficers described in subsection (c) in return for  
13      continuing service in the Selected Reserve or  
14      other forms of public service; and

15          (C) help alleviate the national shortage of  
16      nurse educators and registered nurses.

17          (2) DURATION.—Except as provided in sub-  
18      section (h), the pilot program shall be conducted  
19      during the period beginning on January 1, 2007,  
20      and ending on December 31, 2012. A nurse corps  
21      officer may not enter into an agreement to partici-  
22      pate in the pilot program after December 31, 2012.

23          (3) REGULATIONS.—The pilot program shall be  
24      conducted under regulations prescribed by the Sec-  
25      retary of Defense in consultation with the Secretary

1 of Health and Human Services and the Secretary of  
2 Education.

3 (b) DESIGNATION.—The pilot program required by  
4 subsection (a) shall be known as the “Troops to Nurse  
5 Teachers Pilot Program” (in this section referred to as  
6 the “Program”).

7 (c) NURSE CORPS OFFICERS.—A nurse corps officer  
8 described in this subsection is any commissioned officer  
9 of the Armed Forces qualified and designated as an officer  
10 in a Nurse Corps of the Armed Forces who is—

11 (1) serving in a reserve component of the  
12 Armed Forces;

13 (2) honorably discharged from the Armed  
14 Forces; or

15 (3) a retired member of the Armed Forces.

16 (d) SELECTION OF PARTICIPANTS IN PROGRAM.—

17 (1) APPLICATION.—An eligible nurse corps offi-  
18 cer seeking to participate in the Program shall sub-  
19 mit to the Secretary of Defense an application there-  
20 for. The application shall be in such form, and con-  
21 tain such information, as the Secretary may require.

22 (2) SELECTION.—The Secretary shall select  
23 participants in the Program from among qualified  
24 nurse corps officers submitting applications therefor  
25 under paragraph (1).

1 (e) PARTICIPANT AGREEMENT.—

2 (1) IN GENERAL.—A nurse corps officer se-  
 3 lected under subsection (d) to participate in the Pro-  
 4 gram shall enter into an agreement with the Sec-  
 5 retary of Defense relating to participation in the  
 6 Program.

7 (2) ELEMENTS.—The agreement of a nurse  
 8 corps officer under the program shall, at the election  
 9 of the Secretary for purposes of the Program and as  
 10 appropriate with respect to that status of such nurse  
 11 corps officer—

12 (A) require such nurse corps officer, within  
 13 such time as the Secretary may require, to ac-  
 14 cept an offer of full-time employment as a  
 15 nurse educator from an accredited school of  
 16 nursing for a period of not less than one year;  
 17 or

18 (B) require such nurse corps officer—

19 (i) within such time as the Secretary  
 20 may require, to successfully complete a  
 21 program leading to a master's degree or  
 22 doctoral degree in a nursing field from an  
 23 accredited school of nursing or to a doc-  
 24 toral degree in a related field from an ac-  
 25 credited institution of higher education;

1 (ii) to serve in the Selected Reserve or  
 2 some other form of public service under  
 3 terms and conditions established by the  
 4 Secretary; and

5 (iii) upon completion of such program  
 6 and service, to accept an offer of full-time  
 7 employment as a nurse educator from an  
 8 accredited school of nursing for a period of  
 9 not less than 3 years.

10 (f) ASSISTANCE.—

11 (1) TRANSITION ASSISTANCE.—The Secretary  
 12 of Defense may provide a participant in the Pro-  
 13 gram who enters into an agreement described in  
 14 subsection (e)(2)(A) assistance as follows:

15 (A) Career placement assistance in secur-  
 16 ing full-time employment as a nurse educator at  
 17 an accredited school of nursing.

18 (B) A stipend in an amount not to exceed  
 19 \$5,000 for transition to employment referred to  
 20 in paragraph (1), and for educational training  
 21 for such employment, for a period not to exceed  
 22 two years after entry by such participant into  
 23 an agreement under subsection (e).

24 (2) SCHOLARSHIP ASSISTANCE.—The Secretary  
 25 of Defense may provide a participant in the Pro-



1       gram who enters into an agreement described in  
 2       subsection (e)(2)(B) scholarship assistance to pursue  
 3       a degree described in subsection (e)(2)(B)(i) in an  
 4       amount not to exceed \$30,000 annually for a period  
 5       of not more than four years.

6       (g) TREATMENT OF ASSISTANCE.—A stipend or  
 7       scholarship provided under subsection (f) shall not be  
 8       taken into account in determining the eligibility of a par-  
 9       ticipant in the Program for Federal student financial as-  
 10      sistance provided under title IV of the Higher Education  
 11      Act of 1965 (20 U.S.C. 1070 et seq.).

12      (h) ADMINISTRATION AFTER INITIAL PERIOD.—

13           (1) IN GENERAL.—The termination of the Pro-  
 14      gram on December 31, 2012, under subsection  
 15      (a)(2) shall not terminate the entitlement to assist-  
 16      ance under the Program of any nurse corps officer  
 17      entering into an agreement to participate in the Pro-  
 18      gram under subsection (e) that continues in force  
 19      after that date.

20           (2) ADMINISTRATION.—The Secretary of Edu-  
 21      cation shall undertake any administration of the  
 22      Program that is required after December 31, 2012,  
 23      including responsibility for any funding necessary to  
 24      provide assistance under the Program after that  
 25      date.

1 (i) REPORT.—

2 (1) IN GENERAL.—Not later than three years  
3 after the commencement of the Program, the Sec-  
4 retary of Defense shall, in consultation with the Sec-  
5 retary of Health and Human Services and the Sec-  
6 retary of Education, submit to Congress a report on  
7 the Program.

8 (2) ELEMENTS.—The report shall—

9 (A) describe the activities undertaken  
10 under the Program; and

11 (B) include an assessment of the effective-  
12 ness of the Program in—

13 (i) facilitating the development of  
14 nurse educators;

15 (ii) encouraging service in the Se-  
16 lected Reserve and other forms of public  
17 service; and

18 (iii) helping alleviate the national  
19 shortage of nurse educators and registered  
20 nurses.

21 (j) DEFINITIONS.—In this section:

22 (1) NURSE EDUCATOR.—The term “nurse edu-  
23 cator” means a registered nurse who—

24 (A) is a member of the nursing faculty at  
25 an accredited school of nursing;

1 (B) holds a graduate degree in nursing  
 2 from an accredited school of nursing or a doc-  
 3 toral degree in a related field from an accred-  
 4 ited institution of higher education;

5 (C) holds a valid, unrestricted license to  
 6 practice nursing from a State; and

7 (D) has successfully completed additional  
 8 course work in education and demonstrates  
 9 competency in an advanced practice area of  
 10 nursing.

11 (2) SCHOOL OF NURSING.—The term “school of  
 12 nursing” means a school of nursing (as that term is  
 13 defined in section 801 of the Public Health Service  
 14 Act (42 U.S.C. 296)) that is accredited (as that  
 15 term is defined in section 801(6) of the Public  
 16 Health Service Act).

17 (k) FUNDING.—From amounts authorized to be ap-  
 18 propriated for the Department of Defense, \$5,000,000  
 19 may be available for the Program.

20 **SEC. 663. EXPANSION AND ENHANCEMENT OF AUTHORITY**  
 21 **TO REMIT OR CANCEL INDEBTEDNESS OF**  
 22 **MEMBERS OF THE ARMED FORCES.**

23 (a) MEMBERS OF THE ARMY.—

24 (1) COVERAGE OF ALL MEMBERS AND FORMER  
 25 MEMBERS.—Subsection (a) of section 4837 of title

1       10, United States Code, is amended by striking “a  
 2       member of the Army” and all that follows through  
 3       “in an active status” and inserting “a member of  
 4       the Army (including a member on active duty or a  
 5       member of a reserve component in an active status),  
 6       a retired member of the Army, or a former member  
 7       of the Army”.

8               (2) TIME FOR EXERCISE OF AUTHORITY.—Sub-  
 9       section (b) of such section is amended—

10               (A) in paragraph (1), by adding “or” at  
 11       the end; and

12               (B) by striking paragraphs (2) and (3) and  
 13       inserting the following new paragraph (2):

14               “(2) in the case of any other member of the  
 15       Army covered by subsection (a), during such period  
 16       or periods as the Secretary of Defense may provide  
 17       in regulations prescribed by the Secretary of De-  
 18       fense.”.

19               (3) REPEAL OF TERMINATION OF MODIFIED  
 20       AUTHORITY.—Paragraph (3) of section 683(a) of  
 21       the National Defense Authorization Act for Fiscal  
 22       Year 2006 (Public Law 109–163; 119 Stat. 3322;  
 23       10 U.S.C. 4837 note) is repealed.

24       (b) MEMBERS OF THE NAVY.—

1           (1) COVERAGE OF ALL MEMBERS AND FORMER  
 2 MEMBERS.—Section 6161 of title 10, United States  
 3 Code, is amended by striking “a member of the  
 4 Navy” and all that follows through “in an active sta-  
 5 tus” and inserting “a member of the Navy (includ-  
 6 ing a member on active duty or a member of a re-  
 7 serve component in an active status), a retired mem-  
 8 ber of the Navy , or a former member of the Navy”.

9           (2) TIME FOR EXERCISE OF AUTHORITY.—Sub-  
 10 section (b) of such section is amended—

11                   (A) in paragraph (1), by adding “or” at  
 12 the end; and

13                   (B) by striking paragraphs (2) and (3) and  
 14 inserting the following new paragraph (2):

15           “(2) in the case of any other member of the  
 16 Navy covered by subsection (a), during such period  
 17 or periods as the Secretary of Defense may provide  
 18 in regulations prescribed by the Secretary of De-  
 19 fense.”.

20           (3) REPEAL OF TERMINATION OF MODIFIED  
 21 AUTHORITY.—Paragraph (3) of section 683(b) of  
 22 the National Defense Authorization Act for Fiscal  
 23 Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note)  
 24 is repealed.

25           (c) MEMBERS OF THE AIR FORCE.—

1           (1) COVERAGE OF ALL MEMBERS AND FORMER  
 2 MEMBERS.—Subsection (a) of section 4837 of title  
 3 10, United States Code, is amended by striking “a  
 4 member of the Air Force” and all that follows  
 5 through “in an active status” and inserting “a mem-  
 6 ber of the Air Force (including a member on active  
 7 duty or a member of a reserve component in an ac-  
 8 tive status), a retired member of the Air Force, or  
 9 a former member of the Air Force”.

10           (2) TIME FOR EXERCISE OF AUTHORITY.—Sub-  
 11 section (b) of such section is amended—

12                   (A) in paragraph (1), by adding “or” at  
 13 the end; and

14                   (B) by striking paragraphs (2) and (3) and  
 15 inserting the following new paragraph (2):

16           “(2) in the case of any other member of the Air  
 17 Force covered by subsection (a), during such period  
 18 or periods as the Secretary of Defense may provide  
 19 in regulations prescribed by the Secretary of De-  
 20 fense.”.

21           (3) REPEAL OF TERMINATION OF MODIFIED  
 22 AUTHORITY.—Paragraph (3) of section 683(c) of the  
 23 National Defense Authorization Act for Fiscal Year  
 24 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is re-  
 25 pealed.

1 (d) DEADLINE FOR REGULATIONS.—The Secretary  
 2 of Defense shall prescribe the regulations required for pur-  
 3 poses of sections 4837, 6161, and 9837 of title 10, United  
 4 States Code, as amended by this section, not later than  
 5 March 1, 2007.

6 **SEC. 664. EXCEPTION FOR NOTICE TO CONSUMER REPORT-**  
 7 **ING AGENCIES REGARDING DEBTS OR ERRO-**  
 8 **NEOUS PAYMENTS PENDING A DECISION TO**  
 9 **WAIVE, REMIT, OR CANCEL.**

10 (a) EXCEPTION.—Section 2780(b) of title 10, United  
 11 States Code, is amended—

12 (1) by striking “The Secretary” and inserting  
 13 “(1) Except as provided in paragraph (2), the Sec-  
 14 retary”; and

15 (2) by adding at the end the following new  
 16 paragraph:

17 “(2) No disclosure shall be made under paragraph  
 18 (1) with respect to an indebtedness while a decision re-  
 19 garding waiver of collection is pending under section 2774  
 20 of this title, or a decision regarding remission or cancella-  
 21 tion is pending under section 4837, 6161, or 9837 of this  
 22 title, unless the Secretary concerned (as defined in section  
 23 101(5) of title 37), or the designee of such Secretary, de-  
 24 termines that disclosure under that paragraph pending

1 such decision is in the best interests of the United  
2 States.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by  
5 this section shall take effect on March 1, 2007.

6 (2) APPLICATION TO PRIOR ACTIONS.—Para-  
7 graph (2) of section 2780(b) of title 10, United  
8 States Code (as added by subsection (a)), shall not  
9 be construed to apply to or invalidate any action  
10 taken under such section before March 1, 2007.

11 (c) REPORT.—Not later than March 1, 2007, the  
12 Secretary of Defense shall submit to the congressional de-  
13 fense committees a report on the exercise of the authority  
14 in section 2780(b) of title 10, United States Code,  
15 including—

16 (1) the total number of members of the Armed  
17 Forces who have been reported to consumer report-  
18 ing agencies under such section;

19 (2) the circumstances under which such author-  
20 ity has been exercised, or waived (as provided in  
21 paragraph (2) of such section (as amended by sub-  
22 section (a))), and by whom;

23 (3) the cost of contracts for collection services  
24 to recover indebtedness owed to the United States  
25 that is delinquent;



1           (4) an evaluation of whether or not such con-  
 2           tracts, and the practice of reporting military debtors  
 3           to collection agencies, has been effective in reducing  
 4           indebtedness to the United States; and

5           (5) such recommendations as the Secretary con-  
 6           siders appropriate regarding the continuing use of  
 7           such authority with respect to members of the  
 8           Armed Forces.

9   **SEC. 665. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS**  
 10                   **FOR OVERPAYMENT OF PAY AND ALLOW-**  
 11                   **ANCES.**

12       (a) CLARIFICATION OF PAY AND ALLOWANCES.—  
 13       Subsection (a) of section 2774 of title 10, United States  
 14       Code, is amended in the matter preceding paragraph (1)  
 15       by inserting “(including any bonus or special or incentive  
 16       pay)” after “pay or allowances”.

17       (b) WAIVER BY SECRETARIES CONCERNED.—Para-  
 18       graph (2) of such subsection is amended—

19           (1) in the matter preceding subparagraph (A),  
 20           by inserting “or the designee of such Secretary”  
 21           after “title 37,”; and

22           (2) in subparagraph (A), by striking “\$1,500”  
 23           and inserting “\$10,000”.

1 (c) TIME FOR WAIVER.—Subsection (b)(2) of such  
 2 section is amended by striking “three years” and inserting  
 3 “five years”.

4 (d) EFFECTIVE DATE.—The amendments made by  
 5 this section shall take effect on March 1, 2007.

6 (e) DEADLINE FOR REVISED STANDARDS.—The Di-  
 7 rector of the Office of Management and Budget and the  
 8 Secretary of Defense shall prescribe any modifications to  
 9 the standards under section 2774 of title 10, United  
 10 States Code, that are required or authorized by reason of  
 11 the amendments made by this section not later than  
 12 March 1, 2007.

13 **SEC. 666. TERMS OF CONSUMER CREDIT EXTENDED TO**  
 14 **SERVICEMEMBER OR SERVICEMEMBER’S DE-**  
 15 **PENDENT.**

16 (a) TERMS OF CONSUMER CREDIT.—Title II of the  
 17 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et  
 18 seq.) is amended by adding at the end the following new  
 19 section:

20 **“SEC. 208. TERMS OF CONSUMER CREDIT.**

21 **“(a) INTEREST.—A creditor who extends consumer**  
 22 **credit to a servicemember or a servicemember’s dependent**  
 23 **shall not require the servicemember or the**  
 24 **servicemember’s dependent to pay interest with respect to**  
 25 **the extension of such credit, except as—**

1           “(1) agreed to under the terms of the credit  
2       agreement or promissory note;

3           “(2) authorized by applicable State or Federal  
4       law; and

5           “(3) not specifically prohibited by this section.

6       “(b) ANNUAL PERCENTAGE RATE.—A creditor de-  
7       scribed in subsection (a) shall not impose an annual per-  
8       centage rate greater than 36 percent with respect to the  
9       consumer credit extended to a servicemember or a  
10      servicemember’s dependent.

11      “(c) MANDATORY LOAN DISCLOSURES.—

12           “(1) INFORMATION REQUIRED.—With respect  
13      to any extension of consumer credit to a  
14      servicemember or a servicemember’s dependent, a  
15      creditor shall provide to the servicemember or the  
16      servicemember’s dependent the following information  
17      in writing, at or before the issuance of the credit:

18           “(A) A statement of the annual percentage  
19      rate applicable to the extension of credit.

20           “(B) Any disclosures required under the  
21      Truth in Lending Act (15 U.S.C. 1601 et seq.).

22           “(C) A clear description of the payment  
23      obligations of the servicemember or the  
24      servicemember’s dependent, as applicable.

1           “(2) TERMS.—Such disclosures shall be pre-  
 2           sented in accordance with terms prescribed by the  
 3           regulations issued by the Board of Governors of the  
 4           Federal Reserve System to implement the Truth in  
 5           Lending Act (15 U.S.C. 1601 et seq.).

6           “(d) LIMITATION.—A creditor described in sub-  
 7           section (a) shall not automatically renew, repay, refinance,  
 8           or consolidate with the proceeds of other credit extended  
 9           by the same creditor any consumer credit extended to a  
 10          servicemember or a servicemember’s dependent without—

11           “(1) executing new loan documentation signed  
 12          by the servicemember or the servicemember’s de-  
 13          pendent, as applicable; and

14           “(2) providing the loan disclosures described in  
 15          subsection (c) to the servicemember or the  
 16          servicemember’s dependent.

17          “(e) PREEMPTION.—Except as provided in subsection  
 18          (f)(2), this section preempts any State or Federal law,  
 19          rule, or regulation, including any State usury law, to the  
 20          extent that such laws, rules, or regulations are incon-  
 21          sistent with this section, except that this section shall not  
 22          preempt any such law, rule, or regulation that provides  
 23          additional protection to a servicemember or a  
 24          servicemember’s dependent.

25          “(f) PENALTIES.—

1           “(1) MISDEMEANOR.—Any creditor who know-  
 2           ingly violates this section shall be fined as provided  
 3           in title 18, United States Code, or imprisoned for  
 4           not more than one year, or both.

5           “(2) PRESERVATION OF OTHER REMEDIES.—  
 6           The remedies and rights provided under this section  
 7           are in addition to and do not preclude any remedy  
 8           otherwise available under law to the person claiming  
 9           relief under this section, including any award for  
 10          consequential and punitive damages.

11          “(g) DEFINITION.—For purposes of this section, the  
 12          term ‘interest’ includes service charges, renewal charges,  
 13          fees, or any other charges (except bona fide insurance)  
 14          with respect to the extension of consumer credit.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
 16          of the Servicemembers Civil Relief Act (50 U.S.C. App.  
 17          501) is amended by inserting after the item relating to  
 18          section 207 the following new item:

“Sec. 208. Terms of consumer credit”.

19      **SEC. 667. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.**

20          (a) PROGRAM REQUIRED.—The Secretary of Defense  
 21          shall carry out a joint family support assistance program  
 22          for the purpose of providing assistance to families of mem-  
 23          bers of the Armed Forces.

24          (b) LOCATIONS.—

1           (1) IN GENERAL.—The Secretary shall carry  
2           out the program for at least six regions of the coun-  
3           try through sites established by the Secretary for  
4           purposes of the program in such regions.

5           (2) LOCATION OF CERTAIN SITES.—At least  
6           three of the sites established under paragraph (1)  
7           shall be located in an area that is geographically iso-  
8           lated from military installations.

9           (c) FUNCTIONS.—The Secretary shall provide assist-  
10          ance to families of the members of the Armed Forces  
11          under the program by providing at each site established  
12          for purposes of the program under subsection (b) the fol-  
13          lowing:

14               (1) Financial, material, and other assistance to  
15               families of members of the Armed Forces.

16               (2) Mobile support services to families of mem-  
17               bers of the Armed Forces.

18               (3) Sponsorship of volunteers and family sup-  
19               port professionals for the delivery of support services  
20               to families of members of the Armed Forces.

21               (4) Coordination of family assistance programs  
22               and activities provided by Military OneSource, Mili-  
23               tary Family Life Consultants, counselors, the De-  
24               partment of Defense, other departments and agen-

1       cies of the Federal Government, State and local  
2       agencies, and non-profit entities.

3           (5) Facilitation of discussion on military family  
4       assistance programs, activities, and initiatives be-  
5       tween and among the organizations, agencies, and  
6       entities referred to in paragraph (4).

7       (d) RESOURCES.—

8           (1) IN GENERAL.—The Secretary shall provide  
9       personnel and other resources necessary for the im-  
10      plementation and operation of the program at each  
11      site established under subsection (b).

12          (2) ACCEPTANCE OF CERTAIN SERVICES.—In  
13      providing resources under paragraph (1), the Sec-  
14      retary may accept and utilize the services of non-  
15      Federal Government volunteers and non-profit enti-  
16      ties.

17       (e) PROCEDURES.—The Secretary shall establish pro-  
18      cedures for the operation of each site established under  
19      subsection (b) and for the provision of assistance to fami-  
20      lies of members of the Armed Forces at such site.

21       (f) IMPLEMENTATION PLAN.—

22           (1) PLAN REQUIRED.—Not later than 30 days  
23      after the first obligation of amounts for the pro-  
24      gram, the Secretary shall submit to the congres-

1        sional defense committees a report setting forth a  
 2        plan for the implementation of the program.

3            (2) ELEMENTS.—The plan required under  
 4        paragraph (1) shall include the following:

5            (A) A description of the actions taken to  
 6        select and establish sites for the program under  
 7        subsection (b).

8            (B) A description of the procedures estab-  
 9        lished under subsection (d).

10          (C) A review of proposed actions to be  
 11        taken under the program to improve coordina-  
 12        tion on family assistance program and activities  
 13        between and among the Department of Defense,  
 14        other departments and agencies of the Federal  
 15        Government, State and local agencies, and non-  
 16        profit entities.

17        (g) REPORT.—

18            (1) IN GENERAL.—Not later than 270 days  
 19        after the first obligation of amounts for the pro-  
 20        gram, the Secretary shall submit to the congres-  
 21        sional defense committees a report on the program.

22            (2) ELEMENTS.—The report shall include the  
 23        following:

24            (A) A description of the program, includ-  
 25        ing each site established for purposes of the



1           program, the procedures established under sub-  
2           section (d) for operations at each such site, and  
3           the assistance provided through each such site  
4           for families of members of the Armed Forces.

5           (B) An assessment of the effectiveness of  
6           the program in providing assistance to families  
7           of members of the Armed Forces.

8           (C) An assessment of the advisability of  
9           extending the program or making it permanent.

10       (h) ASSISTANCE TO NON-PROFIT ENTITIES PRO-  
11       VIDING ASSISTANCE TO MILITARY FAMILIES.—The Sec-  
12       retary may provide financial, material, and other assist-  
13       ance to non-profit entities in order to facilitate the provi-  
14       sion by such entities of assistance to geographically iso-  
15       lated families of members of the Armed Forces.

16       (i) SUNSET.—The program required by this section,  
17       and the authority to provide assistance under subsection  
18       (h), shall cease upon the date that is three years after  
19       the first obligation of amounts for the program.

20       (j) FUNDING.—Of the amount authorized to be ap-  
21       propriated by section 301(5) for operation and mainte-  
22       nance for Defense-wide activities, \$5,000,000 may be  
23       available for the program required by this section and the  
24       provision of assistance under subsection (h).

1 **SEC. 668. IMPROVEMENT OF MANAGEMENT OF ARMED**  
 2 **FORCES RETIREMENT HOME.**

3 (a) REDESIGNATION OF CHIEF OPERATING OFFICER  
 4 AS CHIEF EXECUTIVE OFFICER.—

5 (1) IN GENERAL.—Section 1515 of the Armed  
 6 Forces Retirement Home Act of 1991 (24 U.S.C.  
 7 415) is amended—

8 (A) by striking “Chief Operating Officer”  
 9 each place it appears and inserting “Chief Ex-  
 10 ecutive Officer”; and

11 (B) in subsection (e)(1), by striking “Chief  
 12 Operating Officer’s” and inserting “Chief Exec-  
 13 utive Officer’s”.

14 (2) CONFORMING AMENDMENTS.—Such Act is  
 15 further amended by striking “Chief Operating Offi-  
 16 cer” each place it appears in a provision as follows  
 17 and inserting “Chief Executive Officer”:

18 (A) Section 1511 (24 U.S.C. 411).

19 (B) Section 1512 (24 U.S.C. 412).

20 (C) Section 1513(a) (24 U.S.C. 413(a)).

21 (D) Section 1514(c)(1) (24 U.S.C.  
 22 414(c)(1)).

23 (E) Section 1516(b) (24 U.S.C. 416(b)).

24 (F) Section 1517 (24 U.S.C. 417).

25 (G) Section 1518(c) (24 U.S.C. 418(c)).

26 (H) Section 1519(c) (24 U.S.C. 419(c)).

1 (I) Section 1521(a) (24 U.S.C. 421(a)).

2 (J) Section 1522 (24 U.S.C. 422).

3 (K) Section 1523(b) (24 U.S.C. 423(b)).

4 (L) Section 1531 (24 U.S.C. 431).

5 (3) CLERICAL AMENDMENTS.—(A) The heading  
6 of section 1515 of such Act is amended to read as  
7 follows:

8 **“SEC. 1515. CHIEF EXECUTIVE OFFICER.”.**

9 (B) The table of contents for such Act is  
10 amended by striking the item relating to section  
11 1515 and inserting the following new item:

“Sec. 1515. Chief Executive Officer.”.

12 (4) REFERENCES.—Any reference in any law,  
13 regulation, document, record, or other paper of the  
14 United States to the Chief Operating Officer of the  
15 Armed Forces Retirement Home shall be considered  
16 to be a reference to the Chief Executive Officer of  
17 the Armed Forces Retirement Home.

18 (b) DIRECTOR AND DEPUTY DIRECTOR OF FACILI-  
19 TIES.—

20 (1) MILITARY DIRECTOR.—Subsection (b)(1) of  
21 section 1517 of such Act (24 U.S.C. 417) is amend-  
22 ed by striking “a civilian with experience as a con-  
23 tinuing care retirement community professional or”.

24 (2) CIVILIAN DEPUTY DIRECTOR.—Subsection  
25 (d)(1)(A) of such section is amended by striking “or

1 a member” and all that follows and inserting “;  
2 and”.

3 (3) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall take effect on the date of the  
5 enactment of this Act, and shall apply with respect  
6 to any vacancy that occur in the position of Director  
7 or Deputy Director of a facility of the Armed Forces  
8 Retirement Home that occurs on or after that date.

9 (c) CLARIFICATION OF MEMBERSHIP ON LOCAL  
10 BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such  
11 Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting be-  
12 fore the period at the end the following: “, who shall be  
13 a member of the Armed Forces serving on active duty in  
14 the grade of brigadier general, or in the case of the Navy,  
15 rear admiral (lower half)”.

16 **Subtitle F—Transition Assistance**  
17 **for Members of the National**  
18 **Guard and Reserve Returning**  
19 **From Deployment in Operation**  
20 **Iraqi Freedom or Operation En-**  
21 **during Freedom**

22 **SEC. 681. SHORT TITLE.**

23 This subtitle may be cited as the “Heroes at Home  
24 Act of 2006”.

1 **SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CI-**  
2 **VILIAN EMPLOYMENT OF MEMBERS OF THE**  
3 **NATIONAL GUARD AND RESERVE RETURNING**  
4 **FROM DEPLOYMENT IN OPERATION IRAQI**  
5 **FREEDOM AND OPERATION ENDURING FREE-**  
6 **DOM.**

7 (a) WORKING GROUP REQUIRED.—The Secretary of  
8 Defense shall establish within the Department of Defense  
9 a working group to identify and assess the needs of mem-  
10 bers of the National Guard and Reserve returning from  
11 deployment in Operation Iraqi Freedom or Operation En-  
12 during Freedom in transitioning to civilian employment on  
13 their return from such deployment.

14 (b) MEMBERS.—The working group established  
15 under subsection (a) shall include a balance of individuals  
16 appointed by the Secretary of Defense from among the  
17 following:

18 (1) Personnel of the Department of Defense.

19 (2) With the concurrence of the Secretary of  
20 Veterans Affairs, personnel of the Department of  
21 Veterans Affairs.

22 (3) With the concurrence of the Secretary of  
23 Labor, personnel of the Department of Labor.

24 (c) RESPONSIBILITIES.—The working group estab-  
25 lished under subsection (a) shall—

1           (1) identify and assess the needs of members of  
2           the National Guard and Reserve described in sub-  
3           section (a) in transitioning to civilian employment on  
4           their return from deployment as described in that  
5           subsection, including the needs of—

6                   (A) members who were self-employed be-  
7                   fore deployment and seek to return to such em-  
8                   ployment after deployment;

9                   (B) members who were students before de-  
10                  ployment and seek to return to school or com-  
11                  mence employment after deployment;

12                  (C) members who have experienced mul-  
13                  tiple recent deployments; and

14                  (D) members who have been wounded or  
15                  injured during deployment; and

16           (2) develop recommendations on means of im-  
17           proving assistance to members of the National  
18           Guard and Reserve described in subsection (a) in  
19           meeting the needs identified in paragraph (1) on  
20           their return from deployment as described in sub-  
21           section (a).

22           (d) CONSULTATION.—In carrying out its responsibil-  
23           ities under subsection (c), the working group established  
24           under subsection (a) shall consult with the following:

1           (1) Appropriate personnel of the Small Busi-  
2           ness Administration.

3           (2) Representatives of employers who employ  
4           members of the National Guard and Reserve de-  
5           scribed in subsection (a) on their return to civilian  
6           employment as described in that subsection.

7           (3) Representatives of employee assistance or-  
8           ganizations.

9           (4) Representatives of associations of employ-  
10          ers.

11          (5) Representatives of organizations that assist  
12          wounded or injured members of the National Guard  
13          and Reserves in finding or sustaining employment.

14          (6) Representatives of such other public or pri-  
15          vate organizations and entities as the working group  
16          considers appropriate.

17          (e) REPORT.—

18           (1) IN GENERAL.—Not later than one year  
19           after the date of the enactment of this Act, the  
20           working group established under subsection (a) shall  
21           submit to the Secretary of Defense and Congress a  
22           report on its activities under subsection (c).

23           (2) ELEMENTS.—The report required by para-  
24           graph (1) shall include the following:

1 (A) The results of the identification and  
2 assessment required under subsection (c)(1).

3 (B) The recommendations developed under  
4 subsection (c)(2), including recommendations  
5 on the following:

6 (i) The provision of outreach and  
7 training to employers, employment assist-  
8 ance organizations, and associations of em-  
9 ployers on the employment and transition  
10 needs of members of the National Guard  
11 and Reserve described in subsection (a)  
12 upon their return from deployment as de-  
13 scribed in that subsection.

14 (ii) The provision of outreach and  
15 training to employers, employment assist-  
16 ance organizations, and associations of em-  
17 ployers on the needs of family members of  
18 such members.

19 (iii) The improvement of collaboration  
20 between the public and private sectors in  
21 order to ensure the successful transition of  
22 such members into civilian employment  
23 upon their return from such deployment.

24 (3) AVAILABILITY TO PUBLIC.—The Secretary  
25 shall take appropriate actions to make the report



1 under paragraph (1) available to the public, includ-  
 2 ing through the Internet website of the Department  
 3 of Defense.

4 (f) TERMINATION.—

5 (1) IN GENERAL.—The working group estab-  
 6 lished under subsection (a) shall terminate on the  
 7 date that is two years after the date of the enact-  
 8 ment of this Act.

9 (2) INTERIM DUTIES.—During the period be-  
 10 ginning on the date of the submittal of the report  
 11 required by subsection (e) and the termination of the  
 12 working group under paragraph (1), the working  
 13 group shall serve as an advisory board to the Office  
 14 for Employers and Employment Assistance Organi-  
 15 zations under section 683.

16 (g) EMPLOYMENT ASSISTANCE ORGANIZATION DE-  
 17 FINED.—In this section, the term “employment assistance  
 18 organization” means an organization or entity, whether  
 19 public or private, that provides assistance to individuals  
 20 in finding or retaining employment, including organiza-  
 21 tions and entities under military career support programs.

22 **SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT AS-**  
 23 **SISTANCE ORGANIZATIONS.**

24 (a) DESIGNATION OF OFFICE.—

1           (1) IN GENERAL.—The Secretary of Defense  
2       shall designate an office within the Department of  
3       Defense to assist employers, employment assistance  
4       organizations, and associations of employers in fa-  
5       cilitating the successful transition to civilian employ-  
6       ment of members of the National Guard and Re-  
7       serve returning from deployment in Operation Iraqi  
8       Freedom or Operation Enduring Freedom.

9           (2) NAME.—The office designated under this  
10      subsection shall be known as the “Office for Em-  
11      ployers and Employment Assistance Organizations”  
12      (in this section referred to as the “Office”).

13          (3) HEAD.—The Secretary shall designate an  
14      individual to act as the head of the Office.

15          (4) INTEGRATION.—In designating the Office,  
16      the Secretary shall ensure close communication be-  
17      tween the Office and the military departments, in-  
18      cluding the commands of the reserve components of  
19      the Armed Forces.

20      (b) FUNCTIONS.—The Office shall have the following  
21      functions:

22          (1) To provide education and technical assist-  
23      ance to employers, employment assistance organiza-  
24      tions, and associations of employers to assist them  
25      in facilitating the successful transition to civilian

1 employment of members of the National Guard and  
2 Reserve described in subsection (a) on their return  
3 from deployment as described in that subsection.

4 (2) To provide education and technical assist-  
5 ance to employers, employment assistance organiza-  
6 tions, and associations of employers to assist them  
7 in facilitating the successful adjustment of family  
8 members of the National Guard and Reserve to the  
9 deployment and return from deployment of members  
10 of the National Guard and Reserve as described in  
11 that subsection.

12 (c) RESOURCES TO BE PROVIDED.—

13 (1) IN GENERAL.—In carrying out the func-  
14 tions specified in subsection (b), the Office shall pro-  
15 vide employers, employment assistance organiza-  
16 tions, and associations of employers resources, serv-  
17 ices, and assistance that include the following:

18 (A) Guidelines on best practices and effec-  
19 tive strategies.

20 (B) Education on the physical and mental  
21 health conditions that can and may be experi-  
22 enced by members of the National Guard and  
23 Reserve described in subsection (a) on their re-  
24 turn from deployment as described in that sub-  
25 section in transitioning to civilian employment,

1 including Post Traumatic Stress Disorder  
2 (PTSD) and traumatic brain injury (TBI), in-  
3 cluding education on—

4 (i) the detection of warning signs of  
5 such conditions;

6 (ii) the medical, mental health, and  
7 employment services available to such  
8 members, including materials on services  
9 offered by the Department of Defense, the  
10 Department of Veterans Affairs (including  
11 through the vet center program under sec-  
12 tion 1712A of title 38, United States  
13 Code), the Department of Labor, military  
14 support programs, and community mental  
15 health clinics; and

16 (iii) the mechanisms for referring  
17 such members for services described in  
18 clause (ii) and for other medical and men-  
19 tal health screening and care when appro-  
20 priate.

21 (C) Education on the range and types of  
22 potential physical and mental health effects of  
23 deployment and post-deployment adjustment on  
24 family members of members of the National

1 Guard and Reserve described in subsection (a),  
 2 including education on—

3 (i) the detection of warning signs of  
 4 such effects on family members of mem-  
 5 bers of the National Guard and Reserves;

6 (ii) the medical, mental health, and  
 7 employment services available to such fam-  
 8 ily members, including materials on such  
 9 services as described in subparagraph  
 10 (B)(ii); and

11 (iii) mechanisms for referring such  
 12 family members for services described in  
 13 clause (ii) and for medical and mental  
 14 health screening and care when appro-  
 15 priate.

16 (D) Education on mechanisms, strategies,  
 17 and resources for accommodating and employ-  
 18 ing wounded or injured members of the Na-  
 19 tional Guard and Reserves in work settings.

20 (2) PROVISION OF RESOURCES.—The Office  
 21 shall make resources, services, and assistance avail-  
 22 able under this subsection through such mechanisms  
 23 as the head of the Office considers appropriate, in-  
 24 cluding the Internet, video conferencing, telephone

1 services, workshops, trainings, presentations, group  
2 forums, and other mechanisms.

3 (d) PERSONNEL AND OTHER RESOURCES.—The Sec-  
4 retary of Defense shall assign to the Office such personnel,  
5 funding, and other resources as are required to ensure the  
6 effective discharge by the Office of the functions under  
7 subsection (b).

8 (e) REPORTS ON ACTIVITIES.—

9 (1) ANNUAL REPORT BY OFFICE.—Not later  
10 than one year after the designation of the Office,  
11 and annually thereafter, the head of the Office, in  
12 consultation with the working group established pur-  
13 suant to section 682 (while in effect), shall submit  
14 to the Secretary of Defense a written report on the  
15 progress and outcomes of the Office during the one-  
16 year period ending on the date of such report.

17 (2) TRANSMITTAL TO CONGRESS.—Not later  
18 than 60 days after receipt of a report under para-  
19 graph (1), the Secretary shall transmit such report  
20 to the Committees on Armed Services of the Senate  
21 and the House of Representatives, together with—

22 (A) such comments on such report, and  
23 such assessment of the effectiveness of the Of-  
24 fice, as the Secretary considers appropriate; and

1 (B) such recommendations on means of  
 2 improving the effectiveness of the Office as the  
 3 Secretary considers appropriate.

4 (3) AVAILABILITY TO PUBLIC.—The Secretary  
 5 shall take appropriate actions to make each report  
 6 under paragraph (2) available to the public, includ-  
 7 ing through the Internet website of the Office.

8 (f) EMPLOYMENT ASSISTANCE ORGANIZATION DE-  
 9 FINED.—In this section, the term “employment assistance  
 10 organization” means an organization or entity, whether  
 11 public or private, that provides assistance to individuals  
 12 in finding or retaining employment, including organiza-  
 13 tions and entities under military career support programs.

14 **SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT**  
 15 **OF DEFENSE TASK FORCE ON MENTAL**  
 16 **HEALTH RELATING TO MENTAL HEALTH OF**  
 17 **MEMBERS OF THE NATIONAL GUARD AND RE-**  
 18 **SERVE DEPLOYED IN OPERATION IRAQI**  
 19 **FREEDOM AND OPERATION ENDURING FREE-**  
 20 **DOM.**

21 (a) ADDITIONAL RESPONSIBILITIES.—Section 723 of  
 22 the National Defense Authorization Act for Fiscal Year  
 23 2006 (Public Law 109–163; 119 Stat. 3348) is  
 24 amended—

1           (1) by redesignating subsections (d), (e), (f),  
 2           and (g) as subsections (e), (f), (g), and (h), respec-  
 3           tively; and

4           (2) by inserting after subsection (c) the fol-  
 5           lowing new subsection (d):

6           “(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF  
 7 MEMBERS OF NATIONAL GUARD AND RESERVE DE-  
 8 PLOYED IN OIF OR OEF.—

9           “(1) IN GENERAL.—In addition to the activities  
 10          required under subsection (c), the task force shall,  
 11          not later than 12 months after the date of the enact-  
 12          ment of the Heroes at Home Act of 2006, submit  
 13          to the Secretary a report containing an assessment  
 14          and recommendations on the needs with respect to  
 15          mental health of members of the National Guard  
 16          and Reserve who are deployed in Operation Iraqi  
 17          Freedom or Operation Enduring Freedom upon  
 18          their return from such deployment.

19          “(2) ELEMENTS.—The assessment and rec-  
 20          ommendations required by paragraph (1) shall in-  
 21          clude the following:

22                 “(A) An assessment of the specific needs  
 23                 with respect to mental health of members of the  
 24                 National Guard and Reserve who are deployed  
 25                 in Operation Iraqi Freedom or Operation En-



1 during Freedom upon their return from such  
2 deployment.

3 “(B) An identification of mental health  
4 conditions and disorders (including Post Trau-  
5 matic Stress Disorder (PTSD), suicide at-  
6 tempts, and suicide) occurring among members  
7 of the National Guard and Reserve who under-  
8 go multiple deployments in Operation Iraqi  
9 Freedom or Operation Enduring Freedom upon  
10 their return from such deployment.

11 “(C) Recommendations on mechanisms for  
12 improving the mental health services available  
13 to members of the National Guard and Reserve  
14 who are deployed in Operation Iraqi Freedom  
15 or Operation Enduring Freedom, including such  
16 members who undergo multiple deployments in  
17 such operations, upon their return from such  
18 deployment.”.

19 (b) REPORT.—Subsection (f) of such section, as re-  
20 designated by subsection (a)(1) of this section, is further  
21 amended—

22 (1) in the subsection heading, by striking “RE-  
23 PORT” and inserting “REPORTS”;

24 (2) by striking paragraph (1) and inserting the  
25 following new paragraph (1):

1           “(1) IN GENERAL.—The report submitted to  
2           the Secretary under each of subsections (c) and (d)  
3           shall include—

4                   “(A) a description of the activities of the  
5           task force under such subsection;

6                   “(B) the assessment and recommendations  
7           required by such subsection; and

8                   “(C) such other matters relating to the ac-  
9           tivities of the task force under such subsection  
10          as the task force considers appropriate.”; and

11          (3) in paragraph (2)—

12                   (A) by striking “the report under para-  
13          graph (1)” and inserting “a report under para-  
14          graph (1)”; and

15                   (B) by striking “the report as” and insert-  
16          ing “such report as”.

17          (c) PLAN MATTERS.—Subsection (g) of such section,  
18          as redesignated by subsection (a)(1) of this section, is fur-  
19          ther amended—

20                   (1) by striking “the report from the task force  
21          under subsection (e)(1)” and inserting “a report  
22          from the task force under subsection (f)(1)”; and

23                   (2) by inserting “contained in such report”  
24          after “the task force” the second place it appears.

1 (d) TERMINATION.—Subsection (h) of such section,  
 2 as redesignated by subsection (a)(1) of this section, is fur-  
 3 ther amended—

4 (1) by inserting “with respect to the assessment  
 5 and recommendations required by subsection (d)”  
 6 after “the task force”; and

7 (2) by striking “subsection (e)(2)” and insert-  
 8 ing “subsection (f)(2)”.

9 **SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED**  
 10 **SETTINGS FOR MEMBERS OF THE NATIONAL**  
 11 **GUARD AND RESERVE AND THEIR FAMILIES**  
 12 **AFTER DEPLOYMENT IN OPERATION IRAQI**  
 13 **FREEDOM AND OPERATION ENDURING FREE-**  
 14 **DOM.**

15 (a) IN GENERAL.—The Secretary of Defense may  
 16 award grants to eligible entities to carry out demonstra-  
 17 tion projects to assess the feasibility and advisability of  
 18 utilizing community-based settings for the provision of as-  
 19 sistance to members of the National Guard and Reserve  
 20 who serve in Operation Iraqi Freedom or Operation En-  
 21 during Freedom, and their families, after the return of  
 22 such members from deployment in Operation Iraqi Free-  
 23 dom or Operation Enduring Freedom, as the case may  
 24 be, including—

1           (1) services to improve the reuniting of such  
2           members of the National Guard and Reserve and  
3           their families;

4           (2) education to increase awareness of the phys-  
5           ical and mental health conditions that members of  
6           the National Guard and Reserve can and may expe-  
7           rience on their return from such deployment, includ-  
8           ing education on—

9                   (A) Post Traumatic Stress Disorder  
10                  (PTSD) and traumatic brain injury (TBI); and

11                  (B) mechanisms for the referral of such  
12                  members of the National Guard and Reserve  
13                  for medical and mental health screening and  
14                  care when necessary; and

15           (3) education to increase awareness of the phys-  
16           ical and mental health conditions that family mem-  
17           bers of such members of the National Guard and  
18           Reserve can and may experience on the return of  
19           such members from such deployment, including edu-  
20           cation on—

21                   (A) depression, anxiety, and relationship  
22                  problems; and

23                  (B) mechanisms for medical and mental  
24                  health screening and care when appropriate.

1       (b) ELIGIBLE ENTITIES.—An entity eligible for the  
2   award of a grant under this section is any public or private  
3   non-profit organization, such as a community mental  
4   health clinic, family support organization, military support  
5   organization, law enforcement agency, community college,  
6   or public school.

7       (c) APPLICATION.—An eligible entity seeking a grant  
8   under this section shall submit to the Secretary of Defense  
9   an application therefor in such manner, and containing  
10  such information, as the Secretary may require for pur-  
11  poses of this section, including a description of how such  
12  entity will work with the Department of Defense, the De-  
13  partment of Veterans Affairs, State health agencies, other  
14  appropriate Federal, State, and local agencies, family sup-  
15  port organizations, and other community organization in  
16  undertaking activities described in subsection (a).

17      (d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An  
18  entity awarded a grant under this section shall submit to  
19  the Secretary of Defense on an annual basis a report on  
20  the activities undertaken by such entity during the pre-  
21  ceding year utilizing amounts under the grant. Each re-  
22  port shall include such information as the Secretary shall  
23  specify for purposes of this subsection.

24      (e) ANNUAL REPORTS TO CONGRESS.—

1           (1) IN GENERAL.—Not later than one year  
 2       after the date of the enactment of this Act, and an-  
 3       nually thereafter, the Secretary of Defense shall sub-  
 4       mit to Congress a report on activities undertaken  
 5       under the grants awarded under this section. The  
 6       report shall include recommendations for legislative,  
 7       programmatic, or administrative action to improve  
 8       or enhance activities under the grants awarded  
 9       under this section.

10           (2) AVAILABILITY TO PUBLIC.—The Secretary  
 11       shall take appropriate actions to make each report  
 12       under this subsection available to the public.

13 **SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN IN-**  
 14                           **JURY INCURRED BY MEMBERS OF THE**  
 15                           **ARMED FORCES IN OPERATION IRAQI FREE-**  
 16                           **DOM AND OPERATION ENDURING FREEDOM.**

17       (a) STUDY REQUIRED.—The Secretary of Defense  
 18       shall, in consultation with the Secretary of Veterans Af-  
 19       fairs, conduct a longitudinal study on the effects of trau-  
 20       matic brain injury incurred by members of the Armed  
 21       Forces in Operation Iraqi Freedom or Operation Endur-  
 22       ing Freedom. The duration of the longitudinal study shall  
 23       be 15 years.

24       (b) ELEMENTS.—The study required by subsection  
 25       (a) shall address the following:

1           (1) The long-term physical and mental health  
2       effects of traumatic brain injuries incurred by mem-  
3       bers of the Armed Forces during service in Oper-  
4       ation Iraqi Freedom or Operation Enduring Free-  
5       dom.

6           (2) The health care, mental health care, and re-  
7       habilitation needs of such members for such injuries  
8       after the completion of inpatient treatment through  
9       the Department of Defense, the Department of Vet-  
10      erans Affairs, or both.

11          (3) The type and availability of long-term care  
12      rehabilitation programs and services within and out-  
13      side the Department of Defense and the Department  
14      of Veterans Affairs for such members for such inju-  
15      ries, including community-based programs and serv-  
16      ices and in-home programs and services.

17      (c) REPORTS.—

18          (1) PERIODIC AND FINAL REPORTS.—After the  
19      third, seventh, eleventh, and fifteenth years of the  
20      study required by subsection (a), the Secretary of  
21      Defense shall, in consultation with the Secretary of  
22      Veterans Affairs, submit to Congress a comprehen-  
23      sive report on the results of the study during the  
24      preceding years. Each report shall include the fol-  
25      lowing:

1 (A) Current information on the cumulative  
2 outcomes of the study.

3 (B) Such recommendations as the Sec-  
4 retary of Defense and the Secretary of Veterans  
5 Affairs jointly consider appropriate based on  
6 the outcomes of the study, including rec-  
7 ommendations for legislative, programmatic, or  
8 administrative action to improve long-term care  
9 and rehabilitation programs and services for  
10 members of the Armed Forces with traumatic  
11 brain injuries.

12 (2) AVAILABILITY TO PUBLIC.—The Secretary  
13 of Defense and the Secretary of Veterans Affairs  
14 shall jointly take appropriate actions to make each  
15 report under this subsection available to the public.

16 (d) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—  
18 There is authorized to be appropriated to the De-  
19 partment of Defense to carry out this section  
20 amounts as follows:

21 (A) For fiscal year 2007, \$5,000,000.

22 (B) For each of fiscal years 2008 through  
23 2021, such sums as may be necessary.

24 (2) OFFSET.—The amount authorized to be ap-  
25 propriated by section 102(a)(2) for weapons pro-



1       curement for the Navy is hereby reduced by  
 2       \$5,000,000, with the amount of the reduction to be  
 3       allocated to amounts for the Trident II conventional  
 4       modification program.

5   **SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS**  
 6                   **ON CARE AND ASSISTANCE FOR MEMBERS**  
 7                   **AND FORMER MEMBERS OF THE ARMED**  
 8                   **FORCES WITH TRAUMATIC BRAIN INJURY IN-**  
 9                   **CURRED IN OPERATION IRAQI FREEDOM AND**  
 10                  **OPERATION ENDURING FREEDOM.**

11       (a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER  
 12   PANEL.—

13           (1) ESTABLISHMENT.—The Secretary of De-  
 14   fense shall, in consultation with the Secretary of  
 15   Veterans Affairs, establish within the Department of  
 16   Defense a panel to develop coordinated, uniform,  
 17   and consistent training curricula to be used in train-  
 18   ing family members in the provision of care and as-  
 19   sistance to members and former members of the  
 20   Armed Forces for traumatic brain injuries incurred  
 21   during service in the Armed Forces in Operation  
 22   Iraqi Freedom or Operation Enduring Freedom.

23           (2) DESIGNATION OF PANEL.—The panel estab-  
 24   lished under paragraph (1) shall be known as the  
 25   “Traumatic Brain Injury Family Caregiver Panel”.

1           (3) MEMBERS.—The Traumatic Brain Injury  
2       Family Caregiver Panel established under paragraph  
3       (1) shall consist of 15 members appointed by the  
4       Secretary of Defense, in consultation with the Sec-  
5       retary of Veterans Affairs, equally represented from  
6       among—

7           (A) physicians, nurses, rehabilitation  
8       therapists, and other individuals with an exper-  
9       tise in caring for and assisting individuals with  
10      traumatic brain injury, including those who spe-  
11      cialize in caring for and assisting individuals  
12      with traumatic brain injury incurred in war;

13          (B) representatives of family caregivers or  
14      family caregiver associations;

15          (C) Department of Defense and Depart-  
16      ment of Veterans Affairs health and medical  
17      personnel with expertise in traumatic brain in-  
18      jury, and Department of Defense personnel and  
19      readiness representatives with expertise in trau-  
20      matic brain injury;

21          (D) psychologists or other individuals with  
22      expertise in the mental health treatment and  
23      care of individuals with traumatic brain injury;

24          (E) experts in the development of training  
25      curricula; and

1 (F) any other individuals the Secretary  
2 considers appropriate.

3 (b) DEVELOPMENT OF CURRICULA.—

4 (1) IN GENERAL.—The Traumatic Brain Injury  
5 Family Caregiver Panel shall develop training cur-  
6 ricula to be utilized during the provision of training  
7 to family members of members and former members  
8 of the Armed Forces described in subsection (a) on  
9 techniques, strategies, and skills for care and assist-  
10 ance for such members and former members with  
11 the traumatic brain injuries described in that sub-  
12 section.

13 (2) SCOPE OF CURRICULA.—The curricula  
14 shall—

15 (A) be based on empirical research and  
16 validated techniques; and

17 (B) shall provide for training that permits  
18 recipients to tailor caregiving to the unique cir-  
19 cumstances of the member or former member of  
20 the Armed Forces receiving care.

21 (3) PARTICULAR REQUIREMENTS.—In devel-  
22 oping the curricula, the Traumatic Brain Injury  
23 Family Caregiver Panel shall—

1 (A) specify appropriate training commensurate with the severity of traumatic brain injury; and

2 (B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

3 (4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

4 (5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

5 (c) DISSEMINATION OF CURRICULA.—

6 (1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the

1 Armed Forces with traumatic brain injury incurred  
2 in Operation Iraqi Freedom or Operation Enduring  
3 Freedom. In developing such mechanisms, the Sec-  
4 retary may utilize and enhance existing mechanisms,  
5 including the Military Severely Injured Center.

6 (2) HEALTH CARE PROFESSIONALS.—The  
7 health care professionals referred to in this para-  
8 graph are the following:

9 (A) Personnel at military medical treat-  
10 ment facilities.

11 (B) Personnel at the polytrauma centers of  
12 the Department of Veterans Affairs.

13 (C) Personnel and care managers at the  
14 Military Severely Injured Center.

15 (D) Such other health care professionals of  
16 the Department of Defense as the Secretary  
17 considers appropriate.

18 (E) Such other health care professionals of  
19 the Department of Veterans Affairs as the Sec-  
20 retary of Defense, in consultation with the Sec-  
21 retary of Veterans Affairs, considers appro-  
22 priate.

23 (3) PROVISION OF TRAINING TO FAMILY CARE-  
24 GIVERS.—

1 (A) IN GENERAL.—Health care profes-  
2 sionals referred to in paragraph (2) who are  
3 trained in the curricula developed under sub-  
4 section (b) shall provide training to family  
5 members of members and former members of  
6 the Armed Forces who incur traumatic brain  
7 injuries during service in the Operation Iraqi  
8 Freedom or Operation Enduring Freedom in  
9 the care and assistance to be provided for such  
10 injuries.

11 (B) TIMING OF TRAINING.—Training  
12 under this paragraph shall, to the extent prac-  
13 ticable, be provided to family members while the  
14 member or former member concerned is under-  
15 going treatment at a facility of the Department  
16 of Defense or Department of Veterans Affairs,  
17 as applicable, in order to ensure that such fam-  
18 ily members receive practice on the provision of  
19 such care and assistance under the guidance of  
20 qualified health professionals.

21 (C) PARTICULARIZED TRAINING.—Train-  
22 ing provided under this paragraph to family  
23 members of a particular member or former  
24 member shall be tailored to the particular care  
25 needs of such member or former member and

1           the particular caregiving needs of such family  
2           members.

3           (4) QUALITY ASSURANCE.—The Secretary shall  
4           develop mechanisms to ensure quality in the provi-  
5           sion of training under this section to health care  
6           professionals referred to in paragraph (2) and in the  
7           provision of such training under paragraph (4) by  
8           such health care professionals.

9           (5) REPORT.—Not later than one year after the  
10          development of the curricula required by subsection  
11          (b), and annually thereafter, the Traumatic Brain  
12          Injury Family Caregiver Training Panel shall submit  
13          to the Secretary of Defense and the Secretary of  
14          Veterans Affairs, and to Congress, a report on the  
15          following:

16                (A) The actions undertaken under this  
17                subsection.

18                (B) The results of the tracking of out-  
19                comes based on training developed and provided  
20                under this section.

21                (C) Recommendations for the improvement  
22                of training developed and provided under this  
23                section.

24          (d) FUNDING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the De-  
3 partment of Defense to carry out this section  
4 amounts as follows:

5 (A) For fiscal year 2007, \$1,000,000.

6 (B) For each of fiscal years 2008 through  
7 2011, such sums as may be necessary.

8 (2) OFFSET.—The amount authorized to be ap-  
9 propriated by section 102(a)(2) for weapons pro-  
10 curement for the Navy is hereby reduced by  
11 \$1,000,000, with the amount of the reduction to be  
12 allocated to amounts for the Trident II conventional  
13 modification program.

14 **TITLE VII—HEALTH CARE**  
15 **Subtitle A—Benefits Matters**

16 **SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREEN-**  
17 **ING FOR WOMEN.**

18 (a) PRIMARY AND PREVENTIVE HEALTH CARE  
19 SERVICES AUTHORITY.—Section 1074d of title 10, United  
20 States Code, is amended—

21 (1) in subsection (a)(1), by adding at the end  
22 the following new sentence: “The services described  
23 in paragraphs (1) and (2) of subsection (b) shall be  
24 provided under such procedures and at such inter-



1       vals as the Secretary of Defense shall prescribe.”;  
2       and

3               (2) in subsection (b), by striking paragraphs  
4       (1) and (2) and inserting the following new para-  
5       graphs:

6               “(1) Cervical cancer screening.

7               “(2) Breast cancer screening.”.

8       (b) TRICARE PROGRAM.—Section 1079(a)(2) of  
9       such title is amended—

10              (1) in the matter preceding subparagraph (A),  
11       by striking “the schedule of pap smears and mam-  
12       mograms” and inserting “the schedule and method  
13       of cervical cancer screenings and breast cancer  
14       screenings”; and

15              (2) in subparagraph (B), by striking “pap  
16       smears and mammograms” and inserting “cervical  
17       and breast cancer screenings”.

18   **SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.**

19       (a) AVAILABILITY OF REFILLS OF MAINTENANCE-  
20       TYPE MEDICATIONS SOLELY THROUGH PROGRAM.—

21              (1) IN GENERAL.—Subsection (a)(2) of section  
22       1074g of title 10, United States Code, is amended—

23              (A) in subparagraph (E), by striking  
24       “Pharmaceutical agents” and inserting “Except

1 as provided in subparagraph (F), pharma-  
 2 ceutical agents”; and

3 (B) by adding at the end the following new  
 4 subparagraph:

5 “(F)(i) Effective April 1, 2007, refills of maintenance  
 6 medications shall, except as provided under clause (ii), be  
 7 available to eligible covered beneficiaries solely through the  
 8 national mail-order pharmacy program referred to in sub-  
 9 paragraph (E)(iii).

10 “(ii) Under such regulations as the Secretary may  
 11 prescribe under this subparagraph, refills of a mainte-  
 12 nance medication may be available to covered eligible  
 13 beneficiaries through means other than the national mail-  
 14 order pharmacy program if clinical requirements make it  
 15 advisable that such medication be available to such bene-  
 16 ficiaries through such other means.

17 “(iii) The Secretary shall specify the pharmaceutical  
 18 agents constituting maintenance medications for purposes  
 19 of this subparagraph.”.

20 (2) CONFORMING AMENDMENT.—Subsection  
 21 (f)(1) of such section is amended by striking “sub-  
 22 section (a)(2)(E)” and inserting “subparagraphs (E)  
 23 and (F) of subsection (a)(2)”.

24 (b) PROHIBITION ON COPAYMENTS FOR CERTAIN  
 25 PHARMACEUTICALS AVAILABLE THROUGH PROGRAM.—

1 Subsection (a)(6) of such section is amended by adding  
 2 at the end the following new subparagraph:

3 “(C) In establishing the cost-sharing requirements,  
 4 the Secretary may not impose any copayment or cost-shar-  
 5 ing requirement with respect to the following:

6 “(i) Refills of generic medications.

7 “(ii) Brand name medications determined by a  
 8 physician to be medically necessary.”.

9 **SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA**  
 10 **FOR CHILDREN IN CONNECTION WITH DEN-**  
 11 **TAL PROCEDURES FOR WHICH DENTAL ANES-**  
 12 **THESIA IS INAPPROPRIATE.**

13 Section 1079(a)(1) of title 10, United States Code,  
 14 is amended by inserting before the period at the end the  
 15 following: “, except that, pursuant to such regulations as  
 16 the Secretary of Defense may prescribe, hospitalization  
 17 and professional services may be provided in connection  
 18 with the anesthesia of a child under the age of six years  
 19 for a dental procedure which, as determined by a qualified  
 20 dental specialist, is necessary”.

1 **SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINA-**  
 2 **TIONS FOLLOWING SEXUAL ASSAULTS AND**  
 3 **DOMESTIC VIOLENCE.**

4 Section 1079(a) of title 10, United States Code, is  
 5 amended by adding at the end the following new para-  
 6 graph:

7 “(17) Forensic examinations following a sexual  
 8 assault or domestic violence may be provided.”.

9 **SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007**  
 10 **IN ENROLLMENT FEES FOR COVERAGE**  
 11 **UNDER TRICARE PRIME.**

12 (a) PROHIBITION.—Fees charged for enrollment in  
 13 TRICARE Prime may not be increased during fiscal year  
 14 2007.

15 (b) TRICARE PRIME DEFINED.—In this section, the  
 16 term “TRICARE Prime” means the managed care option  
 17 of the TRICARE program.

18 **SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN**  
 19 **PREMIUMS FOR COVERAGE UNDER TRICARE**  
 20 **OF MEMBERS OF RESERVE COMPONENTS**  
 21 **WHO COMMIT TO CONTINUED SERVICE IN SE-**  
 22 **LECTED RESERVE AFTER RELEASE FROM AC-**  
 23 **TIVE DUTY.**

24 Any premium charged under subsection (d) of section  
 25 1076d of title 10, United States Code, for coverage under  
 26 TRICARE of members of reserve components who commit

1 to continued service in the Selected Reserve after release  
 2 from active duty, as authorized by subsection (a) of such  
 3 section, may not be increased during fiscal year 2007 by  
 4 an amount which exceeds 2.2 percent of such premium  
 5 as of September 30, 2006.

6 **SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN CO-**  
 7 **PAYMENTS UNDER RETAIL PHARMACY SYS-**  
 8 **TEM OF PHARMACY BENEFITS PROGRAM.**

9 Subsection (a)(6) of section 1074g of title 10, United  
 10 States Code, as amended by section 702(b) of this Act,  
 11 is further amended by adding at the end the following new  
 12 subparagraph:

13 “(D) During the period beginning on October 1,  
 14 2006, and ending on September 31, 2007, the cost sharing  
 15 requirements established under this paragraph for phar-  
 16 maceutical agents available through retail pharmacies cov-  
 17 ered by paragraph (2)(E)(ii) may not exceed amounts as  
 18 follows:

19 “(i) In the case of generic agents, \$3.

20 “(ii) In the case of formulary agents, \$9.

21 “(iii) In the case of nonformulary agents,  
 22 \$22.”.

1 **SEC. 708. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE**  
2 **SELECTED RESERVE FOR COVERAGE UNDER**  
3 **TRICARE.**

4 (a) IN GENERAL.—Subsection (a) of section 1076b  
5 of title 10, United States Code, is amended—

6 (1) in paragraph (2), by striking “or” at the  
7 end;

8 (2) in paragraph (3), by striking the period at  
9 the end and inserting “; or”; and

10 (3) by adding at the end the following new  
11 paragraph:

12 “(4) is an employee of a business with 20 or  
13 fewer employees.”.

14 (b) PREMIUMS.—Subsection (e)(2) of such section is  
15 amended by adding at the end the following new subpara-  
16 graph:

17 “(C) For members eligible under paragraph (4)  
18 of subsection (a), the amount equal to 75 percent of  
19 the total amount determined by the Secretary on an  
20 appropriate actuarial basis as being reasonable for  
21 the coverage.”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on October 1, 2006.

1                   **Subtitle B—Planning,**  
2                   **Programming, and Management**

3   **SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY**  
4                   **NETWORK UNDER FEDERAL PROCUREMENT**  
5                   **OF PHARMACEUTICALS.**

6           Section 1074g of title 10, United States Code, is  
7 amended—

8                   (1) by redesignating subsections (f) and (g) as  
9                   subsections (g) and (h), respectively; and

10                   (2) by inserting after subsection (e) the fol-  
11                   lowing new subsection (f):

12           “(f) TRICARE RETAIL PHARMACY NETWORK.—The  
13 TRICARE Retail Pharmacy Network under the  
14 TRICARE program shall be treated as an element of the  
15 Department of Defense for purposes of the procurement  
16 of drugs by Federal agencies under section 8126 of title  
17 38 in connection with the provision by pharmacies in the  
18 Network of pharmaceutical services to eligible covered  
19 beneficiaries under this section.”.

20   **SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PRO-**  
21                   **GRAM AND EMPLOYER-SPONSORED GROUP**  
22                   **HEALTH CARE PLANS.**

23           (a) IN GENERAL.—Chapter 55 of title 10, United  
24 States Code, is amended by inserting after section 1097b  
25 the following new section:

1 **“§ 1097c. TRICARE program: relationship with em-**  
 2 **ployer-sponsored group health plans**

3 “(a) IN GENERAL.—(1) The TRICARE program is  
 4 the secondary payer for any health care services provided  
 5 by an employer to a TRICARE eligible employee of such  
 6 employer, and the spouse of such employee, through any  
 7 group health plan offered by such employer.

8 “(2) An employer shall provide that a TRICARE eli-  
 9 gible employee of such employer, and the spouse of such  
 10 employee, is entitled to benefits and services under the  
 11 group health plan offered by such employer in the same  
 12 manner and to the same extent as similarly situated em-  
 13 ployees of such employer who are not TRICARE eligible  
 14 employees.

15 “(3) An employer of a TRICARE eligible employee  
 16 may not establish any condition applicable to the partici-  
 17 pation of the employee in a group health plan offered by  
 18 such employer in connection with the entitlement of the  
 19 employee for health care services under the TRICARE  
 20 program, including any condition on—

21 “(A) the eligibility of the employee for partici-  
 22 pation in the plan; or

23 “(B) benefits or services available to the em-  
 24 ployee under the plan.

25 “(b) PROHIBITION ON INCENTIVES FOR TRICARE  
 26 ELIGIBLE EMPLOYEES NOT TO ENROLL OR TO



1 DISENROLL IN GROUP HEALTH PLANS.—(1) An employer  
2 may not offer a TRICARE eligible employee any financial  
3 or other benefit (including health services coverage that  
4 is supplemental to health services coverage under the  
5 TRICARE program) not to enroll, or to disenroll, in the  
6 group health plan offered by the employer in order to en-  
7 sure that the TRICARE program, rather than the plan,  
8 is the primary payer for health care services received by  
9 the employee.

10 “(2)(A) An employer who violates the prohibition in  
11 paragraph (1) shall be liable to the United States for a  
12 civil penalty in an amount not to exceed \$5,000 for each  
13 violation.

14 “(B) Any amounts collected under this paragraph  
15 shall be credited to the appropriation available for the  
16 TRICARE program for the fiscal year in which such  
17 amounts are collected.

18 “(3)(A) Except as provided in subparagraph (B), the  
19 provisions of section 1128A of the Social Security Act (42  
20 U.S.C. 1320a–7a), other than subsections (a) and (b) of  
21 such section 1128A, which provisions relate to procedures  
22 for the imposition of civil money penalties for certain viola-  
23 tions of the Social Security Act, shall apply to the imposi-  
24 tion of penalties under paragraph (2).

1       “(B) The Secretary of Defense may provide in the  
 2 regulations prescribed under this section for the applica-  
 3 tion to the imposition of penalties under paragraph (2)  
 4 of procedural requirements specified in such regulations  
 5 rather than the procedural requirements referred to in  
 6 subparagraph (A). Any procedural requirements under  
 7 such regulations shall be comparable to the procedural re-  
 8 quirements referred to in subparagraph (A).

9       “(c) ELECTION OF TRICARE ELIGIBLE EMPLOYEES  
 10 TO PARTICIPATE IN GROUP HEALTH PLAN.—A  
 11 TRICARE eligible employee shall have the opportunity to  
 12 elect to participate in the group health plan offered by  
 13 the employer of the employee and receive primary coverage  
 14 for health care services under the plan in the same manner  
 15 and to the same extent as similarly situated employees of  
 16 such employer who are not TRICARE eligible employees.

17       “(d) INAPPLICABILITY TO CERTAIN EMPLOYERS.—  
 18 The provisions of this section do not apply to any employer  
 19 who has fewer than 20 employees.

20       “(e) RETENTION OF ELIGIBILITY FOR COVERAGE  
 21 UNDER TRICARE.—Nothing in this section, including an  
 22 election made by a TRICARE eligible employee under sub-  
 23 section (c), shall be construed to effect, modify, or termi-  
 24 nate the eligibility of a TRICARE eligible employee or  
 25 spouse of such employee for health care or dental services

1 under this chapter in accordance with the other provisions  
2 of this chapter.

3 “(f) COLLECTION OF INFORMATION.—(1) To improve  
4 the administration of this section, the Secretary of De-  
5 fense may utilize the authorities on collection of informa-  
6 tion set forth in paragraphs (1) and (2) of section 1095(k)  
7 of this title, including the authority in the second sentence  
8 of paragraph (2) of such section.

9 “(2) Information obtained pursuant to the use of the  
10 authorities in paragraph (1) may not be disclosed for any  
11 purpose of than to carry out the purpose of this section.

12 “(g) OUTREACH.—The Secretary of Defense shall, in  
13 coordination with the other administering Secretaries,  
14 conduct outreach to inform covered beneficiaries who are  
15 entitled to health care benefits under the TRICARE pro-  
16 gram of the rights and responsibilities of such bene-  
17 ficiaries and employers under this section.

18 “(h) REGULATIONS.—The Secretary of Defense shall  
19 prescribe regulations relating to the administration and  
20 enforcement of this section. The regulations shall be pre-  
21 scribed in consultation with the other administering Secre-  
22 taries and the Attorney General, as appropriate.

23 “(i) DEFINITIONS.—In this section:

24 “(1) The term ‘employer’ includes a State or  
25 unit of local government.

1           “(2) The term ‘group health plan’ means a  
 2           group health plan (as that term is defined in section  
 3           5000(b)(1) of the Internal Revenue Code of 1986  
 4           without regard to section 5000(d) of the Internal  
 5           Revenue Code of 1986).

6           “(3) The term ‘primary payer’ means a group  
 7           health plan that provides a benefit that would be  
 8           primary under section 1079(j)(1) or 1086(g) of this  
 9           title.

10           “(4) The term ‘secondary payer’ means a plan  
 11           or program whose medical benefits are payable only  
 12           after a primary payer has provided medical benefits  
 13           in accordance with applicable law and the plan of  
 14           the primary payer.

15           “(5) The term ‘TRICARE eligible employee’  
 16           means a covered beneficiary under section 1086 of  
 17           this title entitled to health care benefits under the  
 18           TRICARE program.

19           “(j) EFFECTIVE DATE.—This section shall take ef-  
 20           fect on January 1, 2008.”.

21           (b) CLERICAL AMENDMENT.—The table of sections  
 22           at the beginning of chapter 55 of such title is amended  
 23           by inserting after the item relating to section 1097b the  
 24           following new item:

          “1097c. TRICARE program: relationship with employer-sponsored group health  
   plans.”.

1 **SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.**

2 (a) SYSTEM OF ENROLLMENT REQUIRED.—Chapter  
3 55 of title 10, United States Code, is amended by inserting  
4 after section 1097c, as added by section 722(a) of this  
5 Act, the following new section:

6 **“§ 1097d. TRICARE program: system of enrollment**

7 “(a) ESTABLISHMENT OF SYSTEM.—Not later than  
8 October 1, 2007, the Secretary of Defense shall establish  
9 a universal system for enrollment of all beneficiaries who  
10 obtain health care services from military medical treat-  
11 ment facilities or civilian health care providers under the  
12 TRICARE program (in this section referred to as ‘parti-  
13 ciping beneficiaries’).

14 “(b) PURPOSES OF SYSTEM.—The purposes of the  
15 system required by subsection (a) shall be as follows:

16 “(1) To ensure the efficient administration of  
17 benefits under the TRICARE program, including  
18 the Standard option of TRICARE.

19 “(2) To ensure that the geographic distribution  
20 of healthcare providers under the TRICARE pro-  
21 gram meets the needs of participating beneficiaries  
22 for ready access to health care services under the  
23 program.

24 “(3) To promote the implementation of disease  
25 management and chronic care management pro-  
26 grams authorized by the National Defense Author-

1        ization Act for Fiscal Year 2007 and other provi-  
2        sions of law.

3        “(c) ELEMENTS.—The system required by subsection  
4 (a) shall be subject to the following:

5            “(1) Enrollment is required for all benefits op-  
6        tions under the TRICARE program.

7            “(2) A one-time enrollment fee (in the amount  
8        of \$25, in the case of an individual enrolling in self  
9        only coverage, or \$40, in the case of an individual  
10       enrolling in self and family coverage) may be col-  
11       lected for all participating beneficiaries who utilize  
12       the Standard option of TRICARE, except that such  
13       enrollment fee may not be collected from the fol-  
14       lowing:

15            “(A) Dependents of members of the armed  
16        forces on active duty.

17            “(B) Dependents of Reserves on extended  
18        active duty pursuant to a call or order to active  
19        duty of 30 days or more.

20            “(C) Participating beneficiaries who are  
21        also eligible for benefits under the Medicare  
22        program under title XVIII of the Social Secu-  
23        rity Act (42 U.S.C. 1395 et seq.).

1                   “(D) Participating beneficiaries enrolled in  
2                   TRICARE Reserve Select under section 1076d  
3                   of this title.

4                   “(3) Enrollment in the system may occur at  
5                   any time.

6                   “(4) Enrollment in the system shall be by a va-  
7                   riety of means utilizing a standard format.

8                   “(d) ADMINISTRATION.—The Secretary shall provide  
9                   for the administration of the system in each region of the  
10                  TRICARE program by the TRICARE Regional Director  
11                  for such region.

12                  “(e) HEALTH RISK ASSESSMENT.—(1) The Sec-  
13                  retary of Defense shall provide to each participating bene-  
14                  ficiary who enrolls in the system required by subsection  
15                  (a) a health risk assessment not later than 120 days after  
16                  the date of the enrollment of such participating beneficiary  
17                  in the system.

18                  “(2) The Secretary shall provide health risk assess-  
19                  ments under paragraph (1) by any means that the Sec-  
20                  retary considers appropriate for purposes of this section.

21                  “(f) CONSEQUENCES OF LACK OF PAYMENT OF EN-  
22                  ROLLMENT FEE.—(1) In the case of any participating  
23                  beneficiary who is subject to the payment of an enrollment  
24                  fee under the authority in subsection (c)(2), payment of  
25                  the enrollment fee shall, except as provided in paragraph

1 (2), be a condition for receipt of benefits under the  
2 TRICARE program.

3 “(2) The Secretary of Defense may waive the applica-  
4 bility of paragraph (1) to any participating beneficiary or  
5 class of participating beneficiaries if the Secretary deter-  
6 mines that the waiver is in the best interests of the United  
7 States.

8 “(g) COMMUNICATIONS AND OUTREACH WITH EN-  
9 ROLLEES.—(1) The Secretary of Defense shall, on a peri-  
10 odic basis but not less often than annually, provide to par-  
11 ticipating beneficiaries who are enrolled in the system re-  
12 quired by subsection (a) information on current matters  
13 relating to the TRICARE program, including information  
14 on benefits available under the TRICARE program and  
15 information on preventive health care services and other  
16 practices intended to promote health and wellness among  
17 such participating beneficiaries.

18 “(2) The Secretary shall, on a periodic basis, conduct  
19 surveys or otherwise collect information on participating  
20 beneficiaries enrolled in the system with respect to the fol-  
21 lowing:

22 “(A) The satisfaction of such beneficiaries who  
23 are participants in the option of the TRICARE pro-  
24 gram known as TRICARE Standard with the nature



1 and scope of, and access to, health care services  
2 under that option.

3 “(B) Other health care insurance, if any, that  
4 is available to such beneficiaries.

5 “(C) Any other matters that the Secretary con-  
6 siderers appropriate to improve health care benefits  
7 and access to health care services under the  
8 TRICARE program.

9 “(h) CONSULTATION.—The Secretary of Defense  
10 shall carry out this section in consultation with the other  
11 administering Secretaries.”.

12 (b) COMPTROLLER GENERAL REPORT ON SYSTEM.—  
13 Not later than September 15, 2007, the Comptroller Gen-  
14 eral of the United States shall submit to the congressional  
15 defense committees a report on the system of enrollment  
16 required by section 1097d of title 10, United States Code  
17 (as added by subsection (a)). The report shall include the  
18 following:

19 (1) An assessment of the progress made toward  
20 implementation of the system.

21 (2) A description and assessment of the inte-  
22 gration of the system with the regional business plan  
23 of the TRICARE Regional Offices.

1           (3) An assessment of the readiness of the De-  
 2       partment to implement the system by October 1,  
 3       2007.

4       (c) REPEAL OF SUPERSEDED AUTHORITY.—Section  
 5       1099 of title 10, United States Code, is repealed.

6       (d) CLERICAL AMENDMENTS.—The table of sections  
 7       at the beginning of chapter 55 of such title is amended—

8           (1) by inserting after the item relating to sec-  
 9       tion 1097c, as added by section 722(b) of this Act,  
 10      the following new item:

“1097d. TRICARE program: system of enrollment.”;

11      and

12           (2) by striking the item relating to section  
 13      1099.

14   **SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF**  
 15                           **SERVICES UNDER THE TRICARE PROGRAM IN**  
 16                           **MEDICALLY UNDERSERVED AREAS.**

17      (a) IN GENERAL.—Chapter 55 of title 10, United  
 18      States Code, is amended by inserting after section 1097d,  
 19      as added by section 723(a) of this Act, the following new  
 20      section:

21   **“§ 1097e. TRICARE program: incentive payments for**  
 22                           **provision of services in medically under-**  
 23                           **served areas**

24      “(a) INCENTIVE PAYMENTS AUTHORIZED.—(1)  
 25      Commencing with the calendar quarter beginning on Jan-

1 uary 1, 2008, the Secretary of Defense, after consultation  
2 with the other administering Secretaries, shall make in-  
3 centive payments under this section to physicians partici-  
4 pating in the TRICARE program in a medically under-  
5 served area.

6 “(2) Incentive payments payable under this section  
7 shall be paid with respect to physician professional serv-  
8 ices furnished in medically underserved areas.

9 “(3) The incentive payment payable under this sec-  
10 tion with respect to a physician professional service is in  
11 addition to any other amounts payable for such service  
12 under the TRICARE program.

13 “(b) MEDICALLY UNDERSERVED AREA.—For pur-  
14 poses of this section, a medically underserved area is ei-  
15 ther of the following:

16 “(1) A primary care scarcity county (with re-  
17 spect to a primary care physician) or specialist care  
18 scarcity county (with respect to any other physician)  
19 identified by the Secretary of Health and Human  
20 Services under section 1833(u)(4) of the Social Se-  
21 curity Act (42 U.S.C. 1395l(u)(4)).

22 “(2) A health professional shortage area identi-  
23 fied by the Secretary of Health and Human Services  
24 under section 1833(m)(1) of the Social Security Act  
25 (42 U.S.C. 1395l(m)(1)).

1       “(c) AMOUNT OF INCENTIVE PAYMENT.—The  
2 amount of the incentive payment payable under subsection  
3 (a) with respect to a physician professional service is as  
4 follows:

5           “(1) In the case of a service furnished by a pri-  
6 mary care physician in a primary care scarcity coun-  
7 ty or a service furnished by any other physician in  
8 a specialist care scarcity county covered by sub-  
9 section (b)(1), an amount equal to 5 percent of the  
10 amount payable for the service under the TRICARE  
11 program.

12           “(2) In the case of a service furnished in an  
13 area covered by subsection (b)(2), an amount equal  
14 to 10 percent of the amount payable for the service  
15 under the TRICARE program.

16           “(3) In the case of a service provided in a loca-  
17 tion that is covered by both paragraphs (1) and (2)  
18 of subsection (b), an amount equal to 15 percent of  
19 the amount payable for the service under the  
20 TRICARE program.

21       “(d) LOCATION OF PROVISION OF SERVICE.—(1) For  
22 purposes of identifying the location in which a physician  
23 professional service is furnished for purposes of this sec-  
24 tion, the Secretary of Defense shall use the 5-digit postal  
25 ZIP code system.

1 “(2) If the 5-digit postal ZIP code for an area covers  
 2 more than one county, the dominant county (as deter-  
 3 mined by the United States Postal Service or otherwise)  
 4 shall be used to determine whether the postal ZIP code  
 5 is in a scarcity county covered by subsection (b)(1).

6 “(e) FREQUENCY OF PAYMENT.—Incentive payments  
 7 payable under this section shall be paid on a quarterly  
 8 basis for incentive payments accrued during the previous  
 9 calendar quarter.

10 “(f) REGULATIONS.—The Secretary of Defense, in  
 11 consultation with the other administering Secretaries,  
 12 shall prescribe regulations for the administration of this  
 13 section.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 55 of such title, as amended  
 16 by section 723(d)(1) of this Act, is further amended by  
 17 inserting after the item relating to section 1097d the fol-  
 18 lowing new item:

“1097e. TRICARE program: incentive payments for provision of services in  
 medically underserved areas.”.

19 **SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING**  
 20 **UNDER TRICARE PROGRAM AND MEDICARE**  
 21 **PROGRAM.**

22 (a) IN GENERAL.—Effective October 1, 2007, the  
 23 claims processing requirements under the TRICARE pro-  
 24 gram on the matters described in subsection (b) shall be

1 identical to the claims processing requirements under the  
2 Medicare program on such matters.

3 (b) COVERED MATTERS.—The matters described in  
4 this subsection are as follows:

5 (1) The utilization of single or multiple provider  
6 identification numbers for purposes of the payment  
7 of health care claims by Department of Defense con-  
8 tractors.

9 (2) The documentation required to substantiate  
10 medical necessity for items and services that are cov-  
11 ered under both the TRICARE program and the  
12 Medicare program.

13 (c) IMMEDIATE COLLECTION FROM THIRD-PARTY  
14 PAYERS.—

15 (1) POLICY REQUIRED.—The Secretary of De-  
16 fense, in consultation with the other administering  
17 Secretaries, shall prescribe in regulations a policy for  
18 the collection of amounts from third-party payers as  
19 authorized by section 1095 of title 10, United States  
20 Code, immediately upon the presentation of claims  
21 for health care services to the Department of De-  
22 fense.

23 (2) OVERPAYMENT.—The policy required by  
24 subsection (a) shall include mechanisms for the

1       recoupment by third-party payers of amounts over-  
2       paid to the United States under the policy.

3       (d) ANNUAL REPORTS ON CLAIMS PROCESSING  
4 STANDARDIZATION.—

5           (1) IN GENERAL.—Not later than October 1,  
6       2007, and annually thereafter, the Secretary of De-  
7       fense shall submit to the congressional defense com-  
8       mittees a report setting forth a complete list of the  
9       claims processing requirements under the TRICARE  
10      program that differ from claims processing require-  
11      ments under the Medicare program.

12          (2) ELEMENTS.—Each report under paragraph  
13      (1) shall include, for each claims processing require-  
14      ment listed in such report, a business case that jus-  
15      tifies maintaining such requirement under the  
16      TRICARE program as a different claims processing  
17      requirement than that required under the Medicare  
18      program.

19      (e) DEFINITIONS.—In this section:

20          (1) The term “administering Secretaries” has  
21      the meaning given that term in section 1072(3) of  
22      title 10, United States Code.

23          (2) The term “Medicare program” means the  
24      program under title XVIII of the Social Security Act  
25      (42 U.S.C. 1395 et seq.).

1           (3) The term “TRICARE program” has the  
 2           meaning given that term in section 1072(7) of title  
 3           10, United States Code.

4 **SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY**  
 5 **TREATMENT FACILITIES BY CIVILIAN CON-**  
 6 **TRACTORS UNDER TRICARE.**

7           (a) ANNUAL INTEGRATED REGIONAL REQUIRE-  
 8           MENTS ON SUPPORT.—The Regional Director of each re-  
 9           gion under the TRICARE program shall develop each year  
 10          integrated, comprehensive requirements for the support of  
 11          military treatment facilities in such region that is provided  
 12          by contract civilian health care and administrative per-  
 13          sonnel under the TRICARE program.

14          (b) PURPOSES.—The purposes of the requirements  
 15          established under subsection (a) shall be as follows:

16               (1) To ensure consistent standards of quality in  
 17               the support of military treatment facilities by con-  
 18               tract civilian health care personnel under the  
 19               TRICARE program.

20               (2) To identify targeted, actionable opportuni-  
 21               ties throughout each region of the TRICARE pro-  
 22               gram for the most efficient delivery of health care  
 23               and support of military treatment facilities.

24               (3) To ensure the most effective use of various  
 25               available contracting methods in securing support of



1 military treatment facilities by civilian personnel  
2 under the TRICARE program, including resource-  
3 sharing and clinical support agreements, direct con-  
4 tracting, and venture capital investments.

5 (4) To achieve savings targets for each region  
6 under the TRICARE program.

7 (c) FACILITATION AND ENHANCEMENT OF CON-  
8 TRACTOR SUPPORT.—

9 (1) IN GENERAL.—The Secretary of Defense  
10 shall take appropriate actions to facilitate and en-  
11 hance the support of military treatment facilities  
12 under the TRICARE program in order to assure  
13 maximum quality and productivity.

14 (2) ACTIONS.—In taking actions under para-  
15 graph (1), the Secretary shall—

16 (A) ensure approval by a Regional Director  
17 of all proposals for the support of military  
18 treatment facilities in the region concerned in  
19 accordance with the most current requirements  
20 established by such Regional Director under  
21 subsection (a);

22 (B) ensure the availability of adequate and  
23 sustainable funding support for projects which  
24 produce a return on investment to the military  
25 treatment facilities;

1 (C) ensure that a portion of any return on  
2 investment is returned to the military treatment  
3 facility to which such savings are attributable;

4 (D) require consistent standards of quality  
5 for contract civilian health care personnel pro-  
6 viding support of military treatment facilities  
7 under the TRICARE program, including—

8 (i) consistent credentialing require-  
9 ments among military treatment facilities;  
10 and

11 (ii) accreditation of health care staff-  
12 ing firms by the Joint Commission on the  
13 Accreditation of Health Care Organization  
14 Health Care Staffing Standards;

15 (E) remove financial disincentives for mili-  
16 tary treatment facilities and civilian contractors  
17 to initiate and sustain agreements for the sup-  
18 port of military treatment facilities by such con-  
19 tractors under the TRICARE program;

20 (F) provide for a consistent process across  
21 all regions of the TRICARE program for devel-  
22 oping cost benefit analyses of agreements for  
23 the support of military treatment facilities by  
24 civilian contractors under the TRICARE pro-  
25 gram based on actual cost and utilization data

1           within each region of the TRICARE program;  
2           and

3           (G) provide for a system for tracking the  
4           performance of each project for support of mili-  
5           tary treatment facilities by a civilian contractor  
6           under the TRICARE program.

7       (d) REPORTS TO CONGRESS.—

8           (1) ANNUAL REPORTS REQUIRED.—Not later  
9           than February 1 each year, the Secretary shall sub-  
10          mit to the congressional defense committees a report  
11          on the support of military treatment facilities by ci-  
12          vilian contractors under the TRICARE program  
13          during the preceding fiscal year.

14          (2) ELEMENTS.—Each report shall set forth,  
15          for the fiscal year covered by such report, the fol-  
16          lowing:

17                (A) The status of the support of military  
18                health treatment facilities that is provided by  
19                contract civilian health care personnel under the  
20                TRICARE program in each region of the  
21                TRICARE program.

22                (B) An assessment of the compliance of  
23                such support with regional requirements under  
24                subsection (a).

1 (C) The number and type of agreements  
 2 for the support of military treatment facilities  
 3 by contract civilian health care personnel.

4 (D) The standards of quality in effect  
 5 under the requirements under subsection (a).

6 (E) The savings anticipated, and any sav-  
 7 ings achieved, as a result of the implementation  
 8 of the requirements under subsection (a).

9 **SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH**  
 10 **CARE SERVICES FOR WOUNDED OR INJURED**  
 11 **SERVICEMEMBERS.**

12 (a) **UNIFORM STANDARDS REQUIRED.**—The Sec-  
 13 retary of Defense shall prescribe in regulations uniform  
 14 standards for the access of wounded or injured members  
 15 of the Armed Forces to health care services through the  
 16 military health care system.

17 (b) **MATTERS COVERED BY STANDARDS.**—The  
 18 standards required by subsection (a) shall establish uni-  
 19 form policy with respect to the following:

20 (1) The access of wounded or injured members  
 21 of the Armed Forces to emergency care.

22 (2) The access of such members to surgical  
 23 services.

24 (3) Waiting times for referrals and consulta-  
 25 tions of such members by medical personnel, dental

1 personnel, mental health specialists, and rehabilita-  
 2 tive service specialists, including personnel and spe-  
 3 cialists with expertise in prosthetics and the in treat-  
 4 ment of head, vision, and spinal cord injuries.

5 (4) Waiting times of such members for acute  
 6 care and for routine follow-up care.

7 (c) REFERRAL TO PROVIDERS OUTSIDE MILITARY  
 8 HEALTH CARE SYSTEM.—To the extent practicable, the  
 9 Secretary shall require in the standards under subsection  
 10 (a) that the standards be met through whatever means  
 11 or mechanisms possible, including through the referral of  
 12 members described in that subsection to health care pro-  
 13 viders outside the military health care system.

14 (d) TRACKING OF PERFORMANCE.—The standards  
 15 required by subsection (a) shall require each Secretary  
 16 concerned to establish mechanisms for tracking the per-  
 17 formance of the military health care system under the ju-  
 18 risdiction of such Secretary in meeting the requirements  
 19 for access of wounded or injured members of the Armed  
 20 Forces to health care services set forth in such standards.

21 (e) SECRETARY CONCERNED DEFINED.—In this sec-  
 22 tion, the term “Secretary concerned” has the meaning  
 23 given that term in section 101(a) of title 10, United States  
 24 Code.

1 **SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.**

2 (a) PROGRAM REQUIRED.—Not later than October 1,  
3 2007, the Secretary of Defense shall establish and imple-  
4 ment throughout the military health care system a fully-  
5 integrated program on disease and chronic care manage-  
6 ment that provides, to the extent practicable, uniform poli-  
7 cies and practices, and regional execution of such policies  
8 and practices, on disease management and chronic care  
9 management throughout that system, including both mili-  
10 tary hospitals and clinics and civilian healthcare providers.

11 (b) PURPOSES OF PROGRAM.—The purposes of the  
12 program required by subsection (a) are as follows:

13 (1) To facilitate the improvement of the health  
14 status of individuals under care in the military  
15 health care system.

16 (2) To ensure the availability of effective health  
17 care services in that system for individuals with dis-  
18 eases and other chronic conditions.

19 (3) To ensure the proper allocation of health  
20 care resources for individuals who need care for dis-  
21 ease or other chronic conditions.

22 (c) ELEMENTS.—The program required by sub-  
23 section (a) shall meet the following requirements:

24 (1) Based on uniform policies prescribed by the  
25 Secretary under subsection (a), the program shall, at

1 a minimum, address the following chronic diseases  
2 and conditions:

3 (A) Diabetes.

4 (B) Cancer.

5 (C) Heart disease.

6 (D) Asthma.

7 (E) Chronic obstructive pulmonary dis-  
8 order.

9 (F) Depression and anxiety disorders.

10 (2) The program shall meet nationally-recog-  
11 nized accreditation standards for disease and chronic  
12 care management.

13 (3) The program shall include specific outcome  
14 measures and objectives on disease and chronic care  
15 management.

16 (4) The program shall include strategies for  
17 disease and chronic care management for all bene-  
18 ficiaries, including beneficiaries eligible for benefits  
19 under the Medicare program under title XVIII of  
20 the Social Security Act (42 U.S.C. 1395 et seq.), for  
21 whom the TRICARE program is not the primary  
22 payer for health care benefits.

23 (5) Activities under the program shall conform  
24 to applicable laws and regulations relating to the  
25 confidentiality of health care information.

1 (d) DESIGN OF CERTAIN PORTIONS OF PROGRAM.—

2 As part of the program required under subsection (a), the  
3 Secretary may contract for the design of a disease and  
4 chronic care management program for the military health  
5 care system.

6 (e) ACTIONS TO FACILITATE PROGRAM.—In order to  
7 facilitate the carrying out of the program required by sub-  
8 section (a), the Secretary shall—

9 (1) require a comprehensive analysis of the dis-  
10 ease and chronic care management opportunities  
11 within each region of the TRICARE program, in-  
12 cluding within military treatment facilities and  
13 through contractors under the TRICARE program;

14 (2) ensure continuous, adequate funding of dis-  
15 ease and chronic care management activities  
16 throughout the military health care system in order  
17 to achieve maximum health outcomes and cost avoid-  
18 ance;

19 (3) eliminate, to the extent practicable, any fi-  
20 nancial disincentives to sustained investment by mili-  
21 tary hospitals and health care services contractors of  
22 the Department of Defense in the disease and chron-  
23 ic care management activities of the Department;



1           (4) ensure that appropriate clinical and claims  
2       data, including pharmacy utilization data, is avail-  
3       able for use in implementing the program;

4           (5) ensure outreach to eligible beneficiaries,  
5       who, on the basis of their clinical conditions, are  
6       candidates for the program utilizing print and elec-  
7       tronic media, telephone, and personal interaction;  
8       and

9           (6) provide a system for monitoring improve-  
10      ments in health status and clinical outcomes under  
11      the program and savings associated with the pro-  
12      gram.

13       (f) COMPTROLLER GENERAL REPORT.—Not later  
14   than September 15, 2007, the Comptroller General of the  
15   United States shall submit to the congressional defense  
16   committees a report on the program required by sub-  
17   section (a). The report shall include the following:

18           (1) An assessment of the progress made toward  
19      implementation of the program.

20           (2) A description and assessment of the inte-  
21      gration of disease and chronic care management  
22      strategies in the regional business plan of the  
23      TRICARE Regional Offices.

1           (3) An assessment of the readiness of the De-  
2       partment to implement the program by October 1,  
3       2007.

4       (g) SECRETARY OF DEFENSE REPORTS.—

5           (1) IN GENERAL.—Not later than January 1,  
6       2008, and every year thereafter, the Secretary shall  
7       submit to the congressional defense committees a re-  
8       port on the program required by subsection (a).

9           (2) REPORT ELEMENTS.—Each report required  
10      by this subsection shall include the following:

11           (A) An assessment of the program during  
12      the one-year period ending on the date of such  
13      report.

14           (B) A description and assessment of im-  
15      provements in health status and clinical out-  
16      comes.

17           (C) A description of the savings and return  
18      on investment associated with the program.

19           (D) A description of an investment strat-  
20      egy to assure the sustainment of the disease  
21      and chronic care management programs of the  
22      Department of Defense.

1 **SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR**  
2 **MEMBERS OF THE ARMED FORCES RETURN-**  
3 **ING FROM DEPLOYMENT IN SUPPORT OF A**  
4 **CONTINGENCY OPERATION.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of the enactment of this Act, the Secretary of Defense  
7 shall prescribe in regulations requirements applicable to  
8 the conduct of post-deployment health assessments for  
9 members of the Armed Forces returning from deployment  
10 in support of a contingency operation.

11 (b) GENERAL REQUIREMENTS.—The regulations pre-  
12 scribed under subsection (a) shall require the following:

13 (1) That a health assessment be conducted on  
14 each member of the Armed Forces returning from  
15 deployment in support of a contingency operation  
16 within such time after the return of such member  
17 from deployment as the Secretary shall specify in  
18 the regulations.

19 (2) That each health assessment be conducted  
20 by a healthcare provider having such qualifications  
21 as the Secretary shall specify in the regulations.

22 (3) That each health assessment assess such  
23 health-related matters as the Secretary shall specify  
24 in the regulations, including an assessment of men-  
25 tal health (including Traumatic Brain Injury (TBI))  
26 for referral of a member for further evaluation relat-

1       ing to mental health (including evaluation of the ef-  
2       fects of combat or operational stress).

3           (4) That the results of each health assessment  
4       be stored in a centralized data base maintained by  
5       the Secretary under this section.

6       (c) ASSESSMENTS OF MENTAL HEALTH.—

7           (1) CRITERIA FOR REFERRAL FOR FURTHER  
8       EVALUATIONS.—The regulations prescribed under  
9       subsection (a) shall include—

10           (A) criteria to be utilized by healthcare  
11       providers in determining whether to refer a  
12       member of the Armed Forces for further eval-  
13       uation relating to mental health (including  
14       Traumatic Brain Injury);

15           (B) mechanisms to ensure that healthcare  
16       providers are trained in the application of such  
17       criteria in making such determinations; and

18           (C) mechanisms for oversight to ensure  
19       that healthcare providers apply such criteria  
20       consistently.

21       (2) AVAILABILITY OF REFERRAL.—Under the  
22       regulations, a copy of a referral of a member for fur-  
23       ther evaluation relating to mental health shall be—

24           (A) provided to the member;

1 (B) placed in the healthcare record of the  
2 member that is maintained by the Department  
3 of Defense; and

4 (C) provided to the healthcare manager of  
5 the member.

6 (3) TRACKING MECHANISMS.—The regulations  
7 shall include mechanisms to ensure that a member  
8 who receives a referral for further evaluation relat-  
9 ing to mental health receives such evaluation and ob-  
10 tains such care and services as are warranted.

11 (4) QUALITY ASSURANCE.—The regulations  
12 shall include a requirement that the Department ad-  
13 dress, as part of the deployment health assessment  
14 quality assurance program of the Department, the  
15 following:

16 (A) The types of healthcare providers con-  
17 ducting post-deployment health assessments.

18 (B) The training received by such pro-  
19 viders applicable to the conduct of such assess-  
20 ments, including training on assessments and  
21 referrals relating to mental health.

22 (C) The guidance available to such pro-  
23 viders on how to apply the criteria prescribed  
24 under paragraph (1)(A) in determining whether  
25 to make a referral for further evaluation of a

1 member of the Armed Forces relating to mental  
2 health.

3 (D) The effectiveness of the tracking  
4 mechanisms required under paragraph (3) in  
5 ensuring that members who receive referrals for  
6 further evaluations relating to mental health re-  
7 ceive such evaluations and obtain such care and  
8 services as are warranted.

9 (d) COMPTROLLER GENERAL REPORTS ON IMPLE-  
10 MENTATION OF REQUIREMENTS.—

11 (1) STUDY ON IMPLEMENTATION.—The Comp-  
12 troller General of the United States shall carry out  
13 a study of the implementation of the requirements  
14 prescribed under this section.

15 (2) PERIODIC EVALUATION OF MENTAL  
16 HEALTH ASSESSMENT PROCESSES.—The Comp-  
17 troller General shall, on a periodic basis, evaluate  
18 the following:

19 (A) The compliance of the Department of  
20 Defense and healthcare providers with the re-  
21 quirements under this section applicable to the  
22 assessment and referral of members of the  
23 Armed Forces relating to mental health.

24 (B) The effectiveness of the processes  
25 under such requirements in addressing the

1           mental health care needs of members returning  
2           from deployments overseas.

3           (3) REPORTS.—(A) Not later than March 1,  
4           2007, the Comptroller General shall submit to the  
5           Committees on Armed Services of the Senate and  
6           the House of Representatives a report on the study  
7           carried out under paragraph (1).

8           (B) Upon completion of an evaluation under  
9           paragraph (2), the Comptroller General shall submit  
10          to the committees of Congress referred to in sub-  
11          paragraph (A) a report on such evaluation.

12          (e) CONTINGENCY OPERATION DEFINED.—In this  
13          section, the term “contingency operation” has the mean-  
14          ing given that term in section 101(a)(13) of title 10,  
15          United States Code.

16   **SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.**

17          (a) FINDING.—Congress finds that the Mental  
18          Health Self-Assessment Program (MHSAP) of the De-  
19          partment of Defense is vital to the overall health and well-  
20          being of deploying members of the Armed Forces and their  
21          families because that program provides—

22               (1) a non-threatening, voluntary, anonymous  
23               self-assessment of mental health that is effective in  
24               helping to detect mental health and substance abuse  
25               conditions;

1           (2) awareness regarding warning signs of such  
2           conditions; and

3           (3) information and outreach to members of the  
4           Armed Forces (including members of the National  
5           Guard and Reserves) and their families on specific  
6           services available for such conditions.

7           (b) EXPANSION OF PROGRAM.—The Secretary of De-  
8           fense shall, acting through the Office of Health Affairs  
9           of the Department of Defense, take appropriate actions  
10          to expand the Mental Health Self-Assessment Program in  
11          order to achieve the following:

12           (1) The continuous availability of the assess-  
13           ment under the program to members and former  
14           members of the Armed Forces in order to ensure the  
15           long-term availability of the diagnostic mechanisms  
16           of the assessment to detect mental health conditions  
17           that may emerge over time.

18           (2) The availability of programs and services  
19           under the program to address the mental health of  
20           dependent children of members of the Armed Forces  
21           who have been deployed or mobilized.

22           (c) OUTREACH.—The Secretary shall develop and im-  
23           plement a plan to conduct outreach and other appropriate  
24           activities to expand and enhance awareness of the Mental  
25           Health Self-Assessment Program, and the programs and



1 services available under that program, among members of  
 2 the Armed Forces (including members of the National  
 3 Guard and Reserves) and their families.

4 (d) REPORTS.—Not later than one year after the date  
 5 of the enactment of this Act, the Secretary shall submit  
 6 to Congress a report on the actions undertaken under this  
 7 section during the one-year period ending on the date of  
 8 such report.

9 **SEC. 731. ADDITIONAL AUTHORIZED OPTION PERIODS FOR**  
 10 **EXTENSION OF CURRENT CONTRACTS UNDER**  
 11 **TRICARE.**

12 (a) ADDITIONAL NUMBER OF AUTHORIZED PERI-  
 13 ODS.—

14 (1) IN GENERAL.—The Secretary of Defense,  
 15 after consulting with the other administering Secre-  
 16 taries, may extend any contract for the delivery of  
 17 health care entered into under section 1097 of title  
 18 10, United States Code, that is in force on the date  
 19 of the enactment of this Act by one year, and upon  
 20 expiration of such extension by one additional year,  
 21 if the Secretary determines that such extension—

22 (A) is in the best interests of the United  
 23 States; and

24 (B) will—

- 1 (i) facilitate the effective administra-  
2 tion of the TRICARE program; or  
3 (ii) ensure continuity in the delivery  
4 of health care under the TRICARE pro-  
5 gram.

6 (2) LIMITATION ON NUMBER OF EXTEN-  
7 SIONS.—The total number of one-year extensions of  
8 a contract that may be granted under paragraph (1)  
9 may not exceed 2 extensions.

10 (3) NOTICE AND WAIT.—The Secretary may  
11 not commence the exercise of the authority in para-  
12 graph (1) until 30 days after the date on which the  
13 Secretary submits to the congressional defense com-  
14 mittees a report setting forth the minimum level of  
15 performance by an incumbent contractor under a  
16 contract covered by such paragraph that will be re-  
17 quired by the Secretary in order to be eligible for an  
18 extension authorized by such paragraph.

19 (4) DEFINITIONS.—In this subsection, the  
20 terms “administering Secretaries” and “TRICARE  
21 program” have the meaning given such terms in sec-  
22 tion 1072 of title 10, United States Code.

23 (b) REPORT ON CONTRACTING MECHANISMS FOR  
24 HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not  
25 later than 180 days after the date of the enactment of

1 this Act, the Secretary shall submit to the congressional  
 2 defense committees a report on contracting mechanisms  
 3 under consideration for future contracts for health care  
 4 service support under section 1097 of title 10, United  
 5 States Code. The report shall include an assessment of  
 6 the advantages and disadvantages for the Department of  
 7 Defense (including the potential for stimulating competi-  
 8 tion and the effect on health care beneficiaries of the De-  
 9 partment) of providing in such contracts for a single term  
 10 of 5 years, with a single optional period of extension of  
 11 an additional 5 years if performance under such contract  
 12 is rated as “excellent”.

13 **SEC. 732. MILITARY VACCINATION MATTERS.**

14 (a) ADDITIONAL ELEMENT FOR COMPTROLLER GEN-  
 15 ERAL STUDY AND REPORT ON VACCINE HEALTHCARE  
 16 CENTERS.—Section 736(b) of the National Defense Au-  
 17 thorization Act for Fiscal Year 2006 (Public Law 109–  
 18 163; 119 Stat. 3356) is amended by adding at the end  
 19 the following new paragraph:

20 “(10) The feasibility and advisability of trans-  
 21 ferring direct responsibility for the Centers from the  
 22 Army Medical Command to the Under Secretary of  
 23 Defense for Personnel and Readiness and the Assist-  
 24 ant Secretary of Defense for Force Protection and  
 25 Readiness.”.

1 (b) RESPONSE TO MEDICAL NEEDS ARISING FROM  
2 MANDATORY MILITARY VACCINATIONS.—

3 (1) IN GENERAL.—The Secretary of Defense  
4 shall maintain a joint military medical center of ex-  
5 cellence focusing on the medical needs arising from  
6 mandatory military vaccinations.

7 (2) ELEMENTS.—The joint military medical  
8 center of excellence under paragraph (1) shall con-  
9 sist of the following:

10 (A) The Vaccine Healthcare Centers of the  
11 Department of Defense, which shall be the prin-  
12 cipal elements of the center.

13 (B) Any other elements that the Secretary  
14 considers appropriate.

15 (3) AUTHORIZED ACTIVITIES.—In acting as the  
16 principal elements of the joint military medical cen-  
17 ter under paragraph (1), the Vaccine Healthcare  
18 Centers referred to in paragraph (2)(A) may carry  
19 out the following:

20 (A) Medical assistance and care to individ-  
21 uals receiving mandatory military vaccines and  
22 their dependents, including long-term case man-  
23 agement for adverse events where necessary.

1           (B) Evaluations to identify and treat po-  
 2           tential and actual health effects from vaccines  
 3           before and after their use in the field.

4           (C) The development and sustainment of a  
 5           long-term vaccine safety and efficacy registry.

6           (D) Support for an expert clinical advisory  
 7           board for case reviews related to disability as-  
 8           sessment questions.

9           (E) Long-term and short-term studies to  
 10          identify unanticipated benefits and adverse  
 11          events from vaccines.

12          (F) Educational outreach for immunization  
 13          providers and those required to receive immuni-  
 14          zations.

15          (G) The development, dissemination, and  
 16          validation of educational materials for Depart-  
 17          ment of Defense healthcare workers relating to  
 18          vaccine safety, efficacy, and acceptability.

19          (c) LIMITATION ON RESTRUCTURING OF VACCINE  
 20          HEALTHCARE CENTERS.—

21               (1) LIMITATION.—The Secretary of Defense  
 22          may not downsize or otherwise restructure the Vac-  
 23          cine Healthcare Centers of the Department of De-  
 24          fense until the Secretary submits to Congress a re-  
 25          port setting forth a plan for meeting the immuniza-

1       tion needs of the Armed Forces during the 10-year  
2       period beginning on the date of the submittal of the  
3       report.

4           (2) REPORT ELEMENTS.—The report submitted  
5       under paragraph (1) shall include the following:

6           (A) An assessment of the potential biologi-  
7       cal threats to members of the Armed Forces  
8       that are addressable by vaccine.

9           (B) An assessment of the distance and  
10      time required to travel to a Vaccine Healthcare  
11      Center by members of the Armed Forces who  
12      have severe reactions to a mandatory military  
13      vaccine.

14          (C) An identification of the most effective  
15      mechanisms for ensuring the provision services  
16      by the Vaccine Healthcare Centers to both mili-  
17      tary medical professionals and members of the  
18      Armed Forces.

19          (D) An assessment of current military and  
20      civilian expertise with respect to mass adult im-  
21      munization programs, including case manage-  
22      ment under such programs for rare adverse re-  
23      actions to immunizations.

24          (E) An organizational structure for each  
25      military department to ensure support of the

1           Vaccine Healthcare Centers in the provision of  
2           services to members of the Armed Forces.

3 **SEC. 733. ENHANCED MENTAL HEALTH SCREENING AND**  
4                   **SERVICES FOR MEMBERS OF THE ARMED**  
5                   **FORCES.**

6           (a) **REQUIRED ELEMENTS OF ASSESSMENTS.**—Each  
7 pre-deployment mental health assessment of a member of  
8 the Armed Forces, shall include the following:

9                   (1) A mental health history of the member,  
10 with emphasis on mental health status during the  
11 12-month period ending on the date of the assess-  
12 ment and a review of military service during that pe-  
13 riod.

14                   (2) An assessment of the current treatment of  
15 the member, and any use of psychotropic medica-  
16 tions by the member, for a mental health condition  
17 or disorder.

18                   (3) An assessment of any behavior of the mem-  
19 ber identified by the member's commanding officer  
20 that could indicate the presence of a mental health  
21 condition.

22                   (4) Information provided by the member  
23 (through a checklist or other means) on the presence  
24 of any serious mental illness or any symptoms indi-  
25 cating a mental health condition or disorder.

1 (b) REFERRAL FOR FURTHER EVALUATION.—Each  
2 member of the Armed Forces who is determined during  
3 a pre-deployment or post-deployment mental health as-  
4 sessment to have, or have symptoms or indicators for, a  
5 mental health condition or disorder shall be referred to  
6 a qualified health care professional with experience in the  
7 evaluation and diagnosis of mental health conditions.

8 (c) REFERRAL OF MEMBERS DEPLOYED IN CONTIN-  
9 GENCY OR COMBAT OPERATIONS.—Any member of the  
10 Armed Forces called or ordered to active duty in support  
11 of contingency or combat operations who requests access  
12 to mental health care services any time before, during, or  
13 after deployment shall be provided access to such  
14 services—

15 (1) not later than 72 hours after the making of  
16 such request; or

17 (2) at the earliest practicable time thereafter.

18 (d) MINIMUM MENTAL HEALTH STANDARDS FOR  
19 DEPLOYMENT.—

20 (1) STANDARDS REQUIRED.—The Secretary of  
21 Defense shall prescribe in regulations minimum  
22 standards for mental health for the eligibility of a  
23 member of the Armed Forces for deployment to a  
24 combat operation or contingency operation.



1           (2) ELEMENTS.—The standards required by  
2 paragraph (1) shall include the following:

3           (A) A specification of the mental health  
4 conditions, treatment for such conditions, and  
5 receipt of psychotropic medications for such  
6 conditions that preclude deployment of a mem-  
7 ber of the Armed Forces to a combat operation  
8 or contingency operation, or to a specified type  
9 of such operation.

10          (B) Guidelines for the deployability and  
11 treatment of members of the Armed Forces di-  
12 agnosed with a severe mental illness or Post  
13 Traumatic Stress Disorder (PTSD).

14          (3) UTILIZATION.—The Secretary shall take  
15 appropriate actions to ensure the utilization of the  
16 standards prescribed under paragraph (1) in the  
17 making of determinations regarding the deployability  
18 of members of the Armed Forces to a combat oper-  
19 ation or contingency operation.

20          (e) MONITORING OF CERTAIN INDIVIDUALS.—The  
21 Secretary of Defense shall develop a plan, to be imple-  
22 mented throughout the Department of Defense, for moni-  
23 toring the mental health of each member of the Armed  
24 Forces who, after deployment to a combat operation or  
25 contingency operation, is known—

1           (1) to have a mental health condition or dis-  
2       order; or

3           (2) to be receiving treatment, including psycho-  
4       tropic medications, for a mental health condition or  
5       disorder.

6       (f) IMPLEMENTATION.—Not later than six months  
7   after the date of the enactment of this Act, the Secretary  
8   of Defense shall submit to the Committees on Armed Serv-  
9   ices of the Senate and the House or Representatives a re-  
10  port on the actions taken to implement the requirements  
11  of this section.

12 **SEC. 734. EDUCATION, TRAINING, AND SUPERVISION OF**  
13                   **PERSONNEL PROVIDING SPECIAL EDU-**  
14                   **CATION SERVICES UNDER EXTENDED BENE-**  
15                   **FITS UNDER TRICARE.**

16       Section 1079(d)(2) of title 10, United States Code  
17   is amended by adding at the end the following: “The regu-  
18   lations shall include the following:

19           “(A) Requirements for education, training, and  
20       supervision of individuals providing special education  
21       services known as Applied Behavioral Analysis under  
22       this subsection that are in addition to any other edu-  
23       cation, training, and supervision requirements appli-  
24       cable to Board Certified Behavior Analysts or Board  
25       Certified Associate Behavior Analysts or are other-

1 wise applicable to personnel providing such services  
 2 under applicable State law.

3 “(B) Metrics to identify and measure the avail-  
 4 ability and distribution of individuals of various ex-  
 5 pertise in Applied Behavioral Analysis in order to  
 6 evaluate and assure the availability of qualified per-  
 7 sonnel to meet needs for Applied Behavioral Anal-  
 8 ysis under this subsection.”.

## 9 **Subtitle C—Studies and Reports**

### 10 **SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND** 11 **TREATMENT OF POST TRAUMATIC STRESS** 12 **DISORDER AND OTHER MENTAL HEALTH** 13 **CONDITIONS.**

14 (a) PILOT PROJECTS REQUIRED.—The Secretary of  
 15 Defense shall carry out not less than three pilot projects  
 16 to evaluate the efficacy of various approaches to improving  
 17 the capability of the military and civilian health care sys-  
 18 tems to provide early diagnosis and treatment of Post  
 19 Traumatic Stress Disorder (PTSD) and other mental  
 20 health conditions.

21 (b) DURATION.—The requirement to carry out pilot  
 22 projects under this section shall commence on October 1,  
 23 2007. Any pilot projects carried out under this section  
 24 shall cease on September 30, 2008.

25 (c) PILOT PROJECT REQUIREMENTS.—

1           (1)   MOBILIZATION-DEMOBILIZATION   FACIL-  
2   ITY.—

3           (A)   IN   GENERAL.—One   of   the   pilot  
4   projects under this section shall be carried out  
5   at a military medical facility at a large military  
6   installation at which the mobilization or demo-  
7   bilization of members of the Armed Forces oc-  
8   curs.

9           (B)   ELEMENTS.—The pilot project under  
10   this paragraph shall be designed to evaluate  
11   and produce effective diagnostic and treatment  
12   approaches for use by primary care providers in  
13   the military health care system in order to im-  
14   prove the capability of such providers to diag-  
15   nose and treat Post Traumatic Stress Disorder  
16   in a manner that avoids the referral of patients  
17   to specialty care by a psychiatrist or other men-  
18   tal health professional.

19       (2)   NATIONAL GUARD OR RESERVE FACILITY.—

20       (A)   IN   GENERAL.—One   of   the   pilot  
21   projects under this section shall be carried out  
22   at the location of a National Guard or Reserve  
23   unit or units that are located more than 40  
24   miles from a military medical facility and whose

1 personnel are served primarily by civilian com-  
2 munity health resources.

3 (B) ELEMENTS.—The pilot project under  
4 this paragraph shall be designed—

5 (i) to evaluate approaches for pro-  
6 viding evidence-based clinical information  
7 on Post Traumatic Stress Disorder to civil-  
8 ian primary care providers; and

9 (ii) to develop educational materials  
10 and other tools for use by members of the  
11 National Guard or Reserve who come into  
12 contact with other members of the Na-  
13 tional Guard or Reserve who may suffer  
14 from Post Traumatic Stress Disorder in  
15 order to encourage and facilitate early re-  
16 porting and referral for treatment.

17 (3) INTERNET-BASED DIAGNOSIS AND TREAT-  
18 MENT.—One of the pilot projects under this section  
19 shall be designed to evaluate—

20 (A) Internet-based automated tools avail-  
21 able to military and civilian health care pro-  
22 viders for the early diagnosis and treatment of  
23 Post Traumatic Stress Disorder, and for track-  
24 ing patients who suffer from Post Traumatic  
25 Stress Disorder; and

1 (B) Internet-based tools available to family  
2 members of members of the Armed Forces in  
3 order to assist such family members in the  
4 identification of the emergence of Post Trau-  
5 matic Stress Disorder.

6 (d) EVALUATION OF PILOT PROJECTS.—The Sec-  
7 retary shall evaluate each pilot project carried out under  
8 this section in order to assess the effectiveness of the ap-  
9 proaches taken under such pilot project—

10 (1) to improve the capability of the military and  
11 civilian health care systems to provide early diag-  
12 nosis and treatment of Post Traumatic Stress Dis-  
13 order and other mental health conditions among  
14 members of the regular components of the Armed  
15 Forces, and among members of the National Guard  
16 and Reserves, who have returned from deployment;  
17 and

18 (2) to provide outreach to the family members  
19 of the members of the Armed Forces described in  
20 paragraph (1) on Post Traumatic Stress Disorder  
21 and other mental health conditions among such  
22 members of the Armed Forces.

23 (e) REPORT TO CONGRESS.—

24 (1) REPORT REQUIRED.—Not later than De-  
25 cember 31, 2008, the Secretary shall submit to the

1 congressional defense committees a report on the  
2 pilot projects carried out under this section.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include the following:

5 (A) A description of each pilot project car-  
6 ried out under this section.

7 (B) An assessment of the effectiveness of  
8 the approaches taken under each pilot project  
9 to improve the capability of the military and ci-  
10 vilian health care systems to provide early diag-  
11 nosis and treatment of Post Traumatic Stress  
12 Disorder and other mental health conditions  
13 among members of the Armed Forces.

14 (C) Any recommendations for legislative or  
15 administrative action that the Secretary con-  
16 siders appropriate in light of the pilot projects,  
17 including recommendations on—

18 (i) the training of health care pro-  
19 viders in the military and civilian health  
20 care systems on early diagnosis and treat-  
21 ment of Post Traumatic Stress Disorder  
22 and other mental health conditions; and

23 (ii) the provision of outreach on Post  
24 Traumatic Stress Disorder and other men-  
25 tal health conditions to members of the

1           National Guard and Reserves who have re-  
2           turned from deployment.

3           (D) A plan, in light of the pilot projects,  
4           for the improvement of the health care services  
5           provided to members of the Armed Forces in  
6           order to better assure the early diagnosis and  
7           treatment of Post Traumatic Stress Disorder  
8           and other mental health conditions among  
9           members of the Armed Forces, including a spe-  
10          cific plan for outreach on Post Traumatic  
11          Stress Disorder and other mental health condi-  
12          tions to members of the National Guard and  
13          Reserve who have returned from deployment in  
14          order to facilitate and enhance the early diag-  
15          nosis and treatment of Post Traumatic Stress  
16          Disorder and other mental health conditions  
17          among such members of the National Guard  
18          and Reserves.

19       (f) FUNDING.—

20           (1) IN GENERAL.—Of the amount authorized to  
21          be appropriated by section 303(a) for the Defense  
22          Health Program, \$10,000,000 shall be available for  
23          pilot projects under this section.



1           (2) AVAILABILITY.—The amount available  
2       under paragraph (1) shall remain available until ex-  
3       pended.

4 **SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MAL-**  
5 **PRACTICE CASES.**

6       (a) ANNUAL REPORTS TO SECRETARY OF DE-  
7 FENSE.—

8           (1) ANNUAL REPORTS REQUIRED.—Not later  
9       than February 1, 2007, and annually thereafter,  
10      each Secretary of a military department shall submit  
11      to the Secretary of Defense a report on the fol-  
12      lowing:

13           (A) Each case (other than a case involving  
14      the treatment of a member of the Armed  
15      Forces on active duty) during the preceding cal-  
16      endar year in which—

17           (i) a complaint or claim was made of  
18      medical malpractice committed in a med-  
19      ical treatment facility of such military de-  
20      partment or by a health care provider of or  
21      employed by such military department; and

22           (ii) either—

23           (I) a judgment was entered  
24      against the United States in the  
25      amount of \$1,000,000 or more; or

1 (II) an award, compromise, or  
2 settlement was entered into by the  
3 United States requiring payment by  
4 the United States in the amount of  
5 \$1,000,000 or more.

6 (B) Each case during the preceding cal-  
7 endar year in which the death of, or serious  
8 personal injury to, a member of the Armed  
9 Forces on active duty occurred as a result of  
10 medical malpractice while the member was a  
11 patient in a medical treatment facility of such  
12 military department or under the care of a  
13 health care provider of or employed by such  
14 military department.

15 (2) REQUIRED INFORMATION.—The informa-  
16 tion required in a report under paragraph (1) on a  
17 case covered by such paragraph shall include the fol-  
18 lowing:

19 (A) A description of the medical mal-  
20 practice involved.

21 (B) A description of the actions, if any,  
22 taken with respect to the continued practice in  
23 the military health care system of the health  
24 care professionals involved.

25 (b) TRANSMITTAL OF REPORTS TO CONGRESS.—

1           (1) TRANSMITTAL REQUIRED.—Not later than  
2       April 1, 2007, and annually thereafter, the Secretary  
3       of Defense shall transmit to the congressional de-  
4       fense committees the reports submitted to the Sec-  
5       retary by the Secretaries of the military departments  
6       in such year.

7           (2) TRANSMITTAL MATTERS.—In transmitting  
8       reports for a year under paragraph (1), the Sec-  
9       retary may include with such reports the following:

10           (A) Any information or recommendations  
11           with respect to the matters covered by such re-  
12           ports that the Secretary considers appropriate.

13           (B) A summary of the actions taken dur-  
14           ing the year to address medical malpractice in  
15           the military health care system.

16       (c) DISCLOSURE OF INFORMATION.—In submitting  
17       or transmitting reports under this section, the Secretaries  
18       of the military departments and the Secretary of Defense  
19       shall ensure that the information contained in such re-  
20       ports is suitable for disclosure to the public, taking into  
21       account the provisions of law as follows:

22           (1) Section 552a of title 5, United States Code  
23       (commonly referred to as the “Privacy Act”).

24           (2) Laws relating to the protection and con-  
25       fidentiality of medical quality assurance records, in-

1 including the provisions of section 1102 of title 10,  
 2 United States Code.

3 (3) Any other laws relating to the protection  
 4 and confidentiality of medical records.

5 **SEC. 743. COMPTROLLER GENERAL STUDY ON DEPART-**  
 6 **MENT OF DEFENSE PHARMACY BENEFITS**  
 7 **PROGRAM.**

8 (a) IN GENERAL.—The Comptroller General of the  
 9 United States shall conduct a study of the Department  
 10 of Defense pharmacy benefits program required by section  
 11 1074g of title 10, United States Code.

12 (b) ELEMENTS.—The study required by subsection  
 13 (a) shall include an examination of the following:

14 (1) The cost of the Department of Defense  
 15 pharmacy benefits program since the inception of  
 16 the program.

17 (2) The relative costs of various options under  
 18 the program.

19 (3) The copayment structure under the pro-  
 20 gram.

21 (4) The effectiveness of the rebate system  
 22 under the program as a way of passing on discounts  
 23 received by the Federal Government in the purchase  
 24 of pharmaceutical agents.

1           (5) The uniform formulary under the program,  
2           including the success of the formulary in achieving  
3           savings anticipated through use of the formulary.

4           (6) Various alternative means of purchasing  
5           pharmaceutical agents more efficiently for avail-  
6           ability under the program.

7           (7) The composition and decision-making proc-  
8           esses of the Pharmacy and Therapeutics Committee.

9           (8) The composition of the Beneficiary Advisory  
10          Panel and its history as an advisory panel under the  
11          program (including the frequency of the acceptance  
12          of its recommendations by the Secretary of De-  
13          fense).

14          (9) Quality assurance mechanisms under the  
15          program.

16          (10) The role of the program in support of the  
17          disease and chronic care management programs of  
18          the Department of Defense.

19          (11) Mechanisms for customer service and cus-  
20          tomer feedback under the program.

21          (12) Beneficiary satisfaction with the program.

22          (c) RESPONSE TO CERTAIN FINDINGS.—

23               (1) PHARMACY AND THERAPEUTICS COM-  
24          MITTEE.—The Pharmacy and Therapeutics Com-  
25          mittee shall—

1 (A) examine the results of the study of the  
2 Comptroller General under subsection (b)(7);  
3 and

4 (B) make such recommendations to the  
5 Secretary of Defense for modifications in the  
6 composition and decision-making processes of  
7 the Committee as the Committee considers ap-  
8 propriate in light of such results in order to im-  
9 prove the efficiency of such processes.

10 (2) BENEFICIARY ADVISORY PANEL.—The Ben-  
11 eficiary Advisory Panel shall—

12 (A) examine the results of the study of the  
13 Comptroller General under subsection (b)(8);  
14 and

15 (B) make such recommendations to the  
16 Secretary of Defense for modifications in the  
17 composition and advisory functions of the Panel  
18 as the Panel considers appropriate in light of  
19 such results in order to—

20 (i) ensure the independence and con-  
21 sumer focus of the Panel;

22 (ii) ensure the participation of the  
23 Panel as an advisory board throughout im-  
24 plementation of the Department of De-  
25 fense pharmacy benefits program; and

1 (iii) achieve more effective commu-  
2 nication between the Secretary and the  
3 Panel.

4 (d) REPORT.—Not later than nine months after the  
5 date of the enactment of this Act, the Comptroller General  
6 shall submit to the congressional defense committees a re-  
7 port on the study required by subsection (a). The report  
8 shall include such recommendations as the Comptroller  
9 General considers appropriate for legislative or adminis-  
10 trative action to improve the Department of Defense phar-  
11 macy benefits program in light of the study.

12 **SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPART-**  
13 **MENT OF DEFENSE HEALTH CARE COSTS**  
14 **AND COST-SAVING MEASURES.**

15 (a) GENERAL AUDIT REQUIRED.—

16 (1) IN GENERAL.—The Comptroller General of  
17 the United States shall conduct an audit of the  
18 health care costs and cost-saving measures of the  
19 Department of Defense in accordance with this sub-  
20 section. The Comptroller General shall conduct the  
21 audit in conjunction with the Department of Defense  
22 initiative to manage future medical benefits available  
23 through the Department known as “Sustain the  
24 Benefit”.

1           (2) ELEMENTS.—The audit required by para-  
2 graph (1) shall examine the following:

3           (A) The basis for the calculation by the  
4 Department of Defense of the portion of the  
5 costs of health care benefits provided by the  
6 Department to beneficiaries that were paid by  
7 such beneficiaries in each of 1995 and 2005,  
8 including—

9           (i) a comparison of the cost to the De-  
10 partment of providing such benefits in  
11 each of 1995 and 2005;

12          (ii) the explanation for any increases  
13 in the costs of the Department of pro-  
14 viding such benefits between 1995 and  
15 2005; and

16          (iii) a comparison of the amounts  
17 paid, by category of beneficiaries, for  
18 health care benefits in 1995 with the  
19 amounts paid, by category of beneficiaries,  
20 for such benefits in 2005.

21          (B) The calculations and assumptions uti-  
22 lized by the Department in estimating the sav-  
23 ings anticipated through the implementation of  
24 proposed increases in cost-sharing for health  
25 care benefits beginning in 2007.



1           (C) The average annual rate of increase,  
 2           based on inflation, of medical costs for the De-  
 3           partment under the Defense Health Program.

4           (D) The annual rate of growth in the cost  
 5           of the Defense Health Program that is attrib-  
 6           utable to inflation in the cost of medical serv-  
 7           ices over the last five years and how such rate  
 8           of growth compares with annual rates of in-  
 9           creases in health care premiums under the Fed-  
 10          eral Employee Health Benefit Program and  
 11          other health care programs as well as rates of  
 12          growth of other health care cost indices over  
 13          that time.

14          (E) The assumptions utilized by the De-  
 15          partment in estimating savings associated with  
 16          adjustments in copayments for pharmaceuticals.

17          (F) The costs of the administration of the  
 18          Defense Health Program and the TRICARE  
 19          program for all categories of beneficiaries.

20          (c) AUDIT OF TRICARE RESERVE SELECT PRO-  
 21          GRAM.—

22           (1) IN GENERAL.—In addition to the audit re-  
 23          quired by subsection (a), the Comptroller General  
 24          shall conduct an audit of the costs of the Depart-

1       ment of Defense in implementing the TRICARE Re-  
2       serve Select Program.

3           (2) ELEMENTS.—The audit required by para-  
4       graph (1) shall include an examination of the fol-  
5       lowing:

6           (A) A comparison of the annual premium  
7       amounts established by the Department of De-  
8       fense for the TRICARE Reserve Select Pro-  
9       gram with the actual costs of the Department  
10      in providing benefits under that program in fis-  
11      cal years 2004 and 2005.

12          (B) The rate of inflation of health care  
13      costs of the Department during fiscal years  
14      2004 and 2005, and a comparison of that rate  
15      of inflation with the annual increase in pre-  
16      miums under the TRICARE Reserve Select  
17      Program in January 2006.

18          (C) A comparison of the financial and  
19      health-care utilization assumptions utilized by  
20      the Department in establishing premiums under  
21      the TRICARE Reserve Select Program with ac-  
22      tual experiences under that program in the first  
23      year of the implementation of that program.

24          (3) TRICARE RESERVE SELECT PROGRAM DE-  
25      FINED.—In this section, the term “TRICARE Re-

1       serve Select Program” means the program carried  
 2       out under section 1074d of title 10, United States  
 3       Code.

4       (d) USE OF INDEPENDENT EXPERTS.—Notwith-  
 5       standing any other provision of law, in conducting the au-  
 6       dits required by this section, the Comptroller General may  
 7       engage the services of appropriate independent experts, in-  
 8       cluding actuaries.

9       (e) REPORT.—Not later than April 1, 2007, the  
 10      Comptroller General shall submit to the congressional de-  
 11      fense committees a report on the audits conducted under  
 12      this section. The report shall include—

13           (1) the findings of the Comptroller General as  
 14           a result of the audits; and

15           (2) such recommendations as the Comptroller  
 16      General considers appropriate in light of such find-  
 17      ings to ensure maximum efficiency in the adminis-  
 18      tration of the health care benefits programs of the  
 19      Department of Defense.

20      **SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL**  
 21                                   **QUALITY IMPROVEMENT PROGRAM.**

22      (a) REVIEW REQUIRED.—The Secretary of Defense  
 23      shall enter into a contract with the Institute of Medicine  
 24      of the National Academy of Sciences, or another similarly  
 25      qualified independent academic medical organization, for

1 the purpose of conducting an independent review of the  
2 Department of Defense medical quality improvement pro-  
3 gram.

4 (b) ELEMENTS.—The review required pursuant to  
5 subsection (a) shall include the following:

6 (1) An assessment of the methods used by the  
7 Department of Defense to monitor medical quality  
8 in services provided in military hospitals and clinics  
9 and in services provided in civilian hospitals and  
10 providers under the military health care system.

11 (2) An assessment of the transparency and  
12 public reporting mechanisms of the Department on  
13 medical quality.

14 (3) An assessment of how the Department in-  
15 corporates medical quality into performance meas-  
16 ures for military and civilian health care providers  
17 within the military health care system.

18 (4) An assessment of the patient safety pro-  
19 grams of the Department.

20 (5) A description of the extent to which the De-  
21 partment seeks to address particular medical errors,  
22 and an assessment of the adequacy of such efforts.

23 (6) An assessment of accountability within the  
24 military health care system for preventable negative  
25 outcomes involving negligence.

1           (7) An assessment of the performance of the  
2       health care safety and quality measures of the De-  
3       partment.

4           (8) An assessment of the collaboration of the  
5       Department with national initiatives to develop evi-  
6       dence-based quality measures and intervention strat-  
7       egies, especially the initiatives of the Agency for  
8       Health Care Research and Quality within the De-  
9       partment of Health and Human Services.

10          (9) A comparison of the methods, mechanisms,  
11       and programs and activities referred to in para-  
12       graphs (1) through (8) with similar methods, mecha-  
13       nisms, programs, and activities used in other public  
14       and private health care systems and organizations.

15       (c) REPORT.—

16          (1) IN GENERAL.—Not later than one year  
17       after the date of the enactment of this Act, the Sec-  
18       retary shall submit to the congressional defense com-  
19       mittees a report on the review required pursuant to  
20       subsection (a).

21          (2) ELEMENTS.—The report required by para-  
22       graph (1) shall include the following:

23                (A) The results of the review required pur-  
24       suant to subsection (a).

1 (B) A discussion of recent highlights in the  
2 accomplishments of the Department of Defense  
3 medical quality assurance program.

4 (C) Such recommendations for legislative  
5 or administrative action as the Secretary con-  
6 siders appropriate for the improvement of the  
7 program.

8 **SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO**  
9 **DEPLETED URANIUM.**

10 (a) STUDY.—The Secretary of Defense, in consulta-  
11 tion with the Secretary for Veterans Affairs and the Sec-  
12 retary of Health and Human Services, shall conduct a  
13 comprehensive study of the health effects of exposure to  
14 depleted uranium munitions on uranium-exposed soldiers  
15 and on children of uranium-exposed soldiers who were  
16 born after the exposure of the uranium-exposed soldiers  
17 to depleted uranium.

18 (b) URANIUM-EXPOSED SOLDIERS.—In this section,  
19 the term “uranium-exposed soldiers” means a member or  
20 former member of the Armed Forces who handled, came  
21 in contact with, or had the likelihood of contact with de-  
22 pleted uranium munitions while on active duty, including  
23 members and former members who—

24 (1) were exposed to smoke from fires resulting  
25 from the burning of vehicles containing depleted ura-

1       nium munitions or fires at depots at which depleted  
2       uranium munitions were stored;

3           (2) worked within environments containing de-  
4       pleted uranium dust or residues from depleted ura-  
5       nium munitions;

6           (3) were within a structure or vehicle while it  
7       was struck by a depleted uranium munition;

8           (4) climbed on or entered equipment or struc-  
9       tures struck by a depleted uranium munition; or

10          (5) were medical personnel who provided initial  
11       treatment to members of the Armed Forces de-  
12       scribed in paragraph (1), (2), (3), or (4).

13       (c) REPORT.—Not later than 1 year after the date  
14       of enactment of this Act, the Secretary of Defense shall  
15       submit a report to Congress on the results of the study  
16       described in subsection (a).

## 17                   **Subtitle D—Other Matters**

### 18       **SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF** 19                   **MILITARY MEDICAL AND DENTAL POSITIONS** 20                   **TO CIVILIAN MEDICAL AND DENTAL POSI-** 21                   **TIONS.**

22       Section 744(a)(1) of the National Defense Authoriza-  
23       tion Act for Fiscal Year 2006 (Public Law 109–163; 119  
24       Stat. 3360; 10 U.S.C. 129c note) is amended—

1 (1) by inserting “in a fiscal year” before  
2 “until”;

3 (2) by inserting “with respect to that fiscal  
4 year” after “House of Representatives”; and

5 (3) by striking the last sentence and inserting  
6 the following new sentences: “The certification with  
7 respect to fiscal year 2007 may not be submitted be-  
8 fore June 30, 2006. The certification with respect to  
9 any fiscal year after fiscal year 2007 shall be sub-  
10 mitted at the same time the budget of the President  
11 for such fiscal year is submitted to Congress pursu-  
12 ant to section 1105(a) of title 31, United States  
13 Code.”.

14 **SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE**  
15 **HEALTH STUDY ASSETS TO MEDICAL FOL-**  
16 **LOW-UP AGENCY.**

17 (a) TRANSFER.—

18 (1) NOTIFICATION OF PARTICIPANTS.—The  
19 Secretary of the Air Force shall notify the partici-  
20 pants of the Air Force Health Study that the study  
21 as currently constituted is ending as of September  
22 30, 2006. In consultation with the Medical Follow-  
23 Up Agency (in this section referred to as the “Agen-  
24 cy”) of the Institute of Medicine of the National  
25 Academy of Sciences, the Secretary of the Air Force



1 shall request the written consent of the participants  
2 to transfer their data and biological specimens to the  
3 Agency during fiscal year 2007 and written consent  
4 for the Agency to maintain the data and specimens  
5 and make them available for additional studies.

6 (2) COMPLETION OF TRANSFER.—Custodian-  
7 ship of the Air Force Health Study shall be com-  
8 pletely transferred to the Agency on or before Sep-  
9 tember 30, 2007. Assets to be transferred shall in-  
10 clude electronic data files and biological specimens of  
11 all the study participants.

12 (3) COPIES TO ARCHIVES.—The Air Force shall  
13 send paper copies of all study documents to the Na-  
14 tional Archives.

15 (b) REPORT ON TRANSFER.—

16 (1) REQUIREMENT.—Not later than 30 days  
17 after completion of the transfer of the assets of the  
18 Air Force Health Study under subsection (a), the  
19 Secretary of the Air Force shall submit to the Com-  
20 mittee on Armed Services of the Senate and the  
21 Committee on Armed Services of the House of Rep-  
22 resentatives a report on the transfer.

23 (2) MATTERS COVERED.—At a minimum, the  
24 report shall include information on the number of  
25 study participants whose data and biological speci-

1       mens were not transferred, the efforts that were  
2       taken to contact such participants, and the reasons  
3       why the transfer of their data and specimens did not  
4       occur.

5       (c) DISPOSITION OF ASSETS NOT TRANSFERRED.—

6       The Secretary of the Air Force may not destroy any data  
7       or biological specimens not transferred under subsection  
8       (a) until the expiration of the one-year period following  
9       submission of the report under subsection (b).

10      (d) FUNDING.—

11           (1) COSTS OF TRANSFER.—Of the funds avail-  
12       able to the Defense Health Program, the Secretary  
13       of Defense may make available to the Air Force  
14       \$850,000 for preparation, transfer of the assets of  
15       the Air Force Health Study and shipment of data  
16       and specimens to the Medical Follow-Up Agency and  
17       the National Archives during fiscal year 2007 from  
18       amounts available from the Department of Defense  
19       for that year. The Secretary of Defense is author-  
20       ized to transfer the freezers and other physical as-  
21       sets assigned to the Air Force Health Study to the  
22       Agency without charge.

23           (2) COSTS OF COLLABORATION.—Of the funds  
24       available to the Defense Health Program, the Sec-  
25       retary of Defense may reimburse the National Acad-

1       emy of Sciences up to \$200,000 for costs of the  
2       Medical Follow-Up Agency to collaborate with the  
3       Air Force in the transfer and receipt of the assets  
4       of the Air Force Health Study to the Agency during  
5       fiscal year 2007 from amounts available from the  
6       Department of Defense for that year.

7   **SEC. 763. SENSE OF SENATE ON THE TRANSFORMATIONAL**  
8                   **MEDICAL TECHNOLOGY INITIATIVE OF THE**  
9                   **DEPARTMENT OF DEFENSE.**

10       (a) FINDINGS.—The Senate finds the following:

11               (1) The most recent Quadrennial Defense Re-  
12       view and other studies have identified the need to  
13       develop broad-spectrum medical countermeasures  
14       against the threat of genetically engineered bioterror  
15       agents.

16               (2) The Transformational Medical Technology  
17       Initiative of the Department of Defense implements  
18       cutting edge transformational medical technologies  
19       and applies them to address the challenges of  
20       known, emerging, and bioengineered threats.

21               (3) The Transformational Medical Technology  
22       Initiative is designed to provide such technologies in  
23       a much shorter timeframe, and at lower cost, than  
24       is required with traditional approaches.

1 (b) SENSE OF SENATE.—It is the sense of the Senate  
2 that—

3 (1) the Transformational Medical Technology  
4 Initiative is an important effort to provide needed  
5 capability within the Department of Defense to field  
6 effective broad-spectrum countermeasures against a  
7 significant array of current and future biological  
8 threats; and

9 (2) innovative technological approaches to  
10 achieve broad-spectrum medical countermeasures are  
11 a necessary component of the capacity of the De-  
12 partment to provide chemical-biological defense and  
13 force protection capabilities for the Armed Forces.

14 **TITLE VIII—ACQUISITION POL-**  
15 **ICY, ACQUISITION MANAGE-**  
16 **MENT, AND RELATED MAT-**  
17 **TERS**

18 **Subtitle A—Acquisition Policy and**  
19 **Management**

20 **SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS**  
21 **FOR MAJOR DEFENSE ACQUISITION PRO-**  
22 **GRAMS.**

23 (a) ADDITIONAL CERTIFICATION REQUIREMENTS.—  
24 Subsection (a) of section 2366a of title 10, United States  
25 Code, is amended—

1 (1) in paragraph (6), by striking “and” at the  
2 end;

3 (2) redesignating paragraph (7) as paragraph  
4 (10); and

5 (3) by inserting after paragraph (6) the fol-  
6 lowing new paragraphs:

7 “(7) the program is needed to meet validated  
8 requirements consistent with the national military  
9 strategy;

10 “(8) reasonable estimates have been developed  
11 to execute the product development and production  
12 plan under the program;

13 “(9) funding is available to execute the product  
14 development and production plan under the program  
15 consistent with the estimates described in paragraph  
16 (8) for the program; and”.

17 (b) WAIVER FOR NATIONAL SECURITY.—Subsection  
18 (c) of such section is amended by striking “(5), or (6)”  
19 and inserting “(5), (6), (7), (8), or (9)”.

20 **SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE AC-**  
21 **QUISITION CHALLENGE PROGRAM.**

22 (a) PRIORITY FOR PROPOSALS FROM CERTAIN BUSI-  
23 NESSES.—Paragraph (5) of subsection (b) of section  
24 2359b of title 10, United States Code, is amended to read  
25 as follows:

1 “(5) The Under Secretary—

2 “(A) may establish procedures to ensure that  
3 the Challenge Program does not become an avenue  
4 for the repetitive submission of proposals that have  
5 been previously reviewed and found not to have  
6 merit; and

7 “(B) may establish procedures to ensure that  
8 the Challenge Program establishes appropriate prior-  
9 ities for proposals from businesses that are not  
10 major contractors with the Department of De-  
11 fense.”.

12 (b) EXTENSION.—Subsection (j) of such section is  
13 amended by striking “September 30, 2007” and inserting  
14 “September 30, 2012”.

15 **SEC. 803. BASELINE DESCRIPTION AND UNIT COST RE-**  
16 **PORTS FOR MAJOR DEFENSE ACQUISITION**  
17 **PROGRAMS.**

18 (a) SPECIFICATION OF ORIGINAL BASELINE ESTI-  
19 MATE.—Section 2435(d)(1) of title 10, United States  
20 Code, is amended by inserting after “with respect to the  
21 program under subsection (a)” the following: “in prepara-  
22 tion for entry into system development and demonstration,  
23 or at program initiation, whichever occurs later”.

1 (b) REPORTS TO CONGRESS ON CERTAIN COST IN-  
2 CREASES.—Section 2433(e)(1) of such title is amended by  
3 adding at the end the following new subparagraph:

4 “(C) If the Secretary concerned determines that the  
5 program acquisition unit cost or procurement unit cost of  
6 a major defense acquisition program has increased by a  
7 percentage equal to or greater than the significant cost  
8 growth threshold for the program and a Selected Acquisi-  
9 tion Report has been submitted to Congress under sub-  
10 paragraph (A) or (B), each subsequent quarterly or com-  
11 prehensive annual Selected Acquisition Report shall in-  
12 clude the information required by subsection (g). No fur-  
13 ther report on increases in the program acquisition unit  
14 cost or procurement unit cost shall be required under sub-  
15 section (c) or (d) unless the program manager has reason-  
16 able cause to believe that the program acquisition unit cost  
17 or procurement unit cost has increased by a percentage  
18 equal to or greater than the critical cost growth thresh-  
19 old.”.

20 **SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PRO-**  
21 **GRAMS.**

22 (a) REPORTS AND INFORMATION ON PROGRAM COST  
23 AND PERFORMANCE.—

1 (1) IN GENERAL.—Part IV of subtitle A of title  
 2 10, United States Code, is amended by inserting  
 3 after chapter 144 the following new chapter:

4 **“CHAPTER 144A—MAJOR AUTOMATED**  
 5 **INFORMATION SYSTEM PROGRAMS**

“Sec.

“2445a. Major automated information system program defined.

“2445b. Cost, schedule, and performance information.

“2445c. Reports: quarterly reports; reports on program changes.

“2445d. Construction with other reporting requirements.

6 **“§ 2445a. Major automated information system pro-**  
 7 **gram defined**

8 “(a) IN GENERAL.—In this chapter, the term ‘major  
 9 automated information system program’ means a Depart-  
 10 ment of Defense program for the acquisition of an auto-  
 11 mated information system (either as a product or a serv-  
 12 ice) if—

13 “(1) the program is designated by the Secretary  
 14 of Defense, or a designee of the Secretary, as a  
 15 major automated information system program; or

16 “(2) the dollar value of the program is esti-  
 17 mated to exceed—

18 “(A) \$32,000,000 in fiscal year 2000 con-  
 19 stant dollars for all program costs in a single  
 20 fiscal year;



8           “(b) ADJUSTMENT.—The Secretary of Defense may  
9   adjust the amounts (and base fiscal year) set forth in sub-  
10   section (a) on the basis of Department of Defense esca-  
11   lation rates. An adjustment under this subsection shall be  
12   effective after the Secretary transmits a written notifica-  
13   tion of the adjustment to the congressional defense com-  
14   mittees.

22   **“§ 2445b. Cost, schedule, and performance informa-**  
23                   **tion**

† S 2766 PP

1 shall submit to Congress each calendar year, not later  
2 than 45 days after the President submits to Congress the  
3 budget for a fiscal year under section 1105 of title 31,  
4 budget justification documents regarding cost, schedule,  
5 and performance for each major automated information  
6 system program for which funds are requested by the  
7 President in the budget.

8       “(b) ELEMENTS.—The documents submitted under  
9 subsection (a) with respect to a major automated informa-  
10 tion system program shall include detailed and summa-  
11 rized information with respect to the automated informa-  
12 tion system to be acquired under the program, and shall  
13 specifically include each of the following:

14               “(1) The development schedule, including major  
15 milestones.

16               “(2) The implementation schedule, including es-  
17 timates of milestone dates, initial operational capa-  
18 bility, and full operational capability.

19               “(3) Estimates of development costs and full  
20 life-cycle costs.

21               “(4) A summary of key performance param-  
22 eters.

23       “(c) BASELINE.—(1) For purposes of this chapter,  
24 the initial submittal to Congress of the documents re-  
25 quired by subsection (a) with respect to a major auto-

1 mated information system program shall constitute the  
 2 original estimate or information originally submitted on  
 3 such program for purposes of the reports and determina-  
 4 tions on program changes in section 2445c of this title.

5 “(2) An adjustment or revision of the original esti-  
 6 mate or information originally submitted on a program  
 7 may be treated as the original estimate or information  
 8 originally submitted on the program if the adjustment or  
 9 revision is the result of a critical change in the program  
 10 covered by section 2445c(d) of this title.

11 “(3) In the event of an adjustment or revision to the  
 12 original estimate or information originally submitted on  
 13 a program under paragraph (2), the Secretary of Defense  
 14 shall include in the next budget justification documents  
 15 submitted under subsection (a) after such adjustment or  
 16 revision a notification to the congressional defense com-  
 17 mittees of such adjustment or revision, together with the  
 18 reasons for such adjustment or revision.

19 **“§ 2445c. Reports: quarterly reports; reports on pro-**  
 20 **gram changes**

21 “(a) QUARTERLY REPORTS BY PROGRAM MAN-  
 22 AGERS.—The program manager of a major automated in-  
 23 formation system program shall, on a quarterly basis, sub-  
 24 mit to the senior Department of Defense official respon-  
 25 sible for the program a written report identifying any vari-

1   ance in the projected development schedule, implementa-  
 2   tion schedule, life-cycle costs, or key performance param-  
 3   eters for the major automated information system to be  
 4   acquired under the program from such information as  
 5   originally submitted to Congress under section 2445b of  
 6   this title.

7       “(b) SENIOR OFFICIALS RESPONSIBLE FOR PRO-  
 8   GRAMS.—For purposes of this section, the senior Depart-  
 9   ment of Defense official responsible for a major automated  
 10   information system program is—

11           “(1) in the case of an automated information  
 12       system to be acquired for a military department, the  
 13       senior acquisition executive for the military depart-  
 14       ment; or

15           “(2) in the case of any other automated infor-  
 16       mation system to be acquired for the Department of  
 17       Defense or any component of the Department of De-  
 18       fense, the Under Secretary of Defense for Acquisi-  
 19       tion, Technology, and Logistics.

20       “(c) REPORT ON SIGNIFICANT CHANGES IN PRO-  
 21   GRAM.—

22           “(1) IN GENERAL.—If, based on a quarterly re-  
 23       port submitted by the program manager of a major  
 24       automated information system program pursuant to  
 25       subsection (a), the senior Department of Defense of-

1        ficial responsible for the program makes a deter-  
2        mination described in paragraph (2), the official  
3        shall, not later than 45 days after receiving such re-  
4        port, notify the congressional defense committees in  
5        writing of such determination.

6            “(2) COVERED DETERMINATION.—A determina-  
7        tion described in this paragraph with respect to a  
8        major automated information system program is a  
9        determination that—

10            “(A) there has been a schedule change that  
11        will cause a delay of more than six months but  
12        less than a year in any program schedule mile-  
13        stone or significant event from the schedule  
14        originally submitted to Congress under para-  
15        graph (1) or (2) of section 2445b(b) of this  
16        title;

17            “(B) the estimated program development  
18        cost or full life-cycle cost for the program has  
19        increased by at least 15 percent, but less than  
20        25 percent, over the original estimate submitted  
21        to Congress under paragraph (3) of section  
22        2445b(b) of this title; or

23            “(C) there has been a significant, adverse  
24        change in the expected performance of the  
25        major automated information system to be ac-

1           quired under the program from the parameters  
 2           originally submitted to Congress under para-  
 3           graph (4) of section 2445b(b) of this title.

4           “(d) REPORT ON CRITICAL CHANGES IN PRO-  
 5   GRAM.—

6           “(1) IN GENERAL.—If, based on a quarterly re-  
 7           port submitted by the program manager of a major  
 8           automated information system program pursuant to  
 9           subsection (a), the senior Department of Defense of-  
 10          ficial responsible for the program makes a deter-  
 11          mination described in paragraph (2), the official  
 12          shall, not later than 60 days after receiving such  
 13          report—

14                 “(A) carry out an evaluation of the pro-  
 15                 gram under subsection (e); and

16                 “(B) submit, through the Secretary of De-  
 17                 fense, to the congressional defense committees a  
 18                 report meeting the requirements of subsection  
 19                 (f).

20           “(2) COVERED DETERMINATION.—A determina-  
 21           tion described in this paragraph with respect to a  
 22           major automated information system program is a  
 23           determination that—

24                 “(A) there has been a schedule change that  
 25                 will cause a delay of one year or more in any

1 program schedule milestone or significant event  
2 from the schedule originally submitted to Con-  
3 gress under paragraph (1) or (2) of section  
4 2445b(b) of this title;

5 “(B) the estimated program development  
6 cost or full life-cycle cost for the program has  
7 increased by 25 percent or more over the origi-  
8 nal estimate submitted to Congress under para-  
9 graph (3) of section 2445b(b) of this title; or

10 “(C) there has been a change in the ex-  
11 pected performance of the major automated in-  
12 formation system to be acquired under the pro-  
13 gram that will undermine the ability of the sys-  
14 tem to perform the functions anticipated at the  
15 time information on the program was originally  
16 submitted to Congress under section 2445b(b)  
17 of this title.

18 “(e) PROGRAM EVALUATION.—The evaluation of a  
19 major automated information system program conducted  
20 under this subsection for purposes of subsection (d)(1)(A)  
21 shall include an assessment of—

22 “(1) the projected cost and schedule for com-  
23 pleting the program if current requirements are not  
24 modified;

1           “(2) the projected cost and schedule for com-  
2           pleting the program based on reasonable modifica-  
3           tion of such requirements; and

4           “(3) the rough order of magnitude of the cost  
5           and schedule for any reasonable alternative system  
6           or capability.

7           “(f) REPORT ON CRITICAL PROGRAM CHANGES.—A  
8           report on a major automated information system program  
9           conducted under this subsection for purposes of subsection  
10          (d)(1)(B) shall include a written certification (with sup-  
11          porting explanation) stating that—

12           “(1) the automated information system to be  
13           acquired under the program is essential to the na-  
14           tional security or to the efficient management of the  
15           Department of Defense;

16           “(2) there is no alternative to the system which  
17           will provide equal or greater capability at less cost;

18           “(3) the new estimates of the costs, schedule,  
19           and performance parameters with respect to the pro-  
20           gram and system are reasonable; and

21           “(4) the management structure for the program  
22           is adequate to manage and control program costs.

23           “(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1)  
24          If the determination of a critical change to a program is  
25          made by the senior Department official responsible for the



1 program under subsection (d)(2) and a report is not sub-  
 2 mitted to Congress within the 60-day period provided by  
 3 subsection (d)(1), appropriated funds may not be obli-  
 4 gated for any major contract under the program.

5 “(2) The prohibition on the obligation of funds for  
 6 a program under paragraph (1) shall cease to apply on  
 7 the date on which Congress has received a report in com-  
 8 pliance with the requirements of subsection (d)(2).

9 **“§ 2445d. Construction with other reporting require-**  
 10 **ments**

11 “In the case of a major automated information sys-  
 12 tem program covered by this chapter that is also treatable  
 13 as a major defense acquisition program for which reports  
 14 would be required under chapter 144 of this title, no re-  
 15 ports on the program are required under such chapter if  
 16 the requirements of this chapter with respect to the pro-  
 17 gram are met.”.

18 (2) CLERICAL AMENDMENTS.—The tables of  
 19 chapters the beginning of subtitle A of such title,  
 20 and of part IV of subtitle A of such title, are each  
 21 amended by inserting after the item relating to  
 22 chapter 144 the following new item:

**“144A. Major Automated Information System Programs ..2445a”.**

23 (b) REPORT ON REPORTING REQUIREMENTS APPLI-  
 24 CABLE TO MAJOR AUTOMATED INFORMATION SYSTEM  
 25 PROGRAMS.—Not later than 180 days after the date of

1 enactment of this Act, the Secretary of Defense shall sub-  
2 mit to the congressional defense committees a report set-  
3 ting forth the reporting requirements applicable to major  
4 automated information system programs as of the date of  
5 the report, including a specification of such reporting re-  
6 quirements considered by the Secretary to be duplicative  
7 or redundant.

8 (c) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendments made by  
10 subsection (a) shall take effect on January 1, 2008,  
11 and shall apply with respect to any major automated  
12 information system program for which amounts are  
13 requested in the budget of the President (as sub-  
14 mitted to Congress under section 1105 of title 31,  
15 United States Code) for a fiscal year after fiscal  
16 year 2008, regardless of whether the acquisition of  
17 the automated information system to be acquired  
18 under the program was initiated before, on, or after  
19 January 1, 2008.

20 (2) REPORT REQUIREMENT.—Subsection (b)  
21 shall take effect on the date of the enactment of this  
22 Act.

1 **SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE**  
2 **FOR MAJOR DEFENSE ACQUISITION PRO-**  
3 **GRAMS EXPERIENCING COST GROWTH RE-**  
4 **SULTING FROM DAMAGE CAUSED BY HURRI-**  
5 **CANES KATRINA, RITA, AND WILMA.**

6 (a) **ADJUSTMENT AUTHORIZED.**—Notwithstanding  
7 any limitations under section 2435(d) of title 10, United  
8 States Code, the Secretary of Defense may adjust the  
9 original Baseline Estimate for a major defense acquisition  
10 program that is carried out primarily in the Hurricane  
11 Katrina disaster area, Hurricane Rita disaster area, or  
12 Hurricane Wilma disaster area for the sole purpose of ad-  
13 dressing cost growth in such program that, as determined  
14 by the Secretary, is directly attributable to damage caused  
15 by Hurricane Katrina, Hurricane Rita, or Hurricane  
16 Wilma.

17 (b) **NOTICE TO CONGRESS.**—The Secretary shall  
18 identify any adjustment to the original Baseline Estimate  
19 of a major defense acquisition program under subsection  
20 (a), and provide an explanation of the basis for such ad-  
21 justment, in the first Selected Acquisition Report that is  
22 submitted under section 2432 of title 10, United States  
23 Code, after such adjustment is made.

24 (c) **SUNSET.**—The authority to adjust an original  
25 Baseline Estimate for a major defense acquisition pro-

1 gram under subsection (a) shall expire on the date that  
 2 is one year after the date of the enactment of this Act.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “major defense acquisition pro-  
 5 gram” has the meaning given that term in section  
 6 2430 of title 10, United States Code.

7 (2) The term “original Baseline Estimate”, in  
 8 the case of a major defense acquisition program,  
 9 means the first baseline description for the program  
 10 established under section 2435(a) of title 10, United  
 11 States Code.

12 (3) The terms “Hurricane Katrina disaster  
 13 area”, “Hurricane Rita disaster area”, and “Hurri-  
 14 cane Wilma disaster area” have the meaning given  
 15 such terms in section 1400M of the Internal Rev-  
 16 enue Code of 1986.

17 **SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON**  
 18 **BEHALF OF THE DEPARTMENT OF DEFENSE**  
 19 **BY CERTAIN NON-DEFENSE AGENCIES.**

20 (a) INSPECTOR GENERAL REVIEWS AND DETER-  
 21 MINATIONS.—

22 (1) IN GENERAL.—For each covered non-de-  
 23 fense agency, the Inspector General of the Depart-  
 24 ment of Defense and the Inspector General of such

1 non-defense agency shall, not later than March 15,  
2 2007, jointly—

3 (A) review—

4 (i) the procurement policies, proce-  
5 dures, and internal controls of such non-  
6 defense agency that are applicable to the  
7 procurement of property and services on  
8 behalf of the Department by such non-de-  
9 fense agency; and

10 (ii) the administration of those poli-  
11 cies, procedures, and internal controls; and

12 (B) determine in writing whether—

13 (i) such non-defense agency is compli-  
14 ant with defense procurement require-  
15 ments;

16 (ii) such non-defense agency is not  
17 compliant with defense procurement re-  
18 quirements, but has a program or initiative  
19 to significantly improve compliance with  
20 defense procurement requirements;

21 (iii) neither of the conclusions stated  
22 in clauses (i) and (ii) is correct in the case  
23 of such non-defense agency; or

24 (iv) such non-defense agency is not  
25 compliant with defense procurement re-

1                   quirements to such an extent that the in-  
 2                   terests of the Department of Defense are  
 3                   at risk in procurements conducted by such  
 4                   non-defense agency.

5                   (2) ACTIONS FOLLOWING CERTAIN DETERMINA-  
 6                   TIONS.—If the Inspectors General determine under  
 7                   paragraph (1) that the conclusion stated in clause  
 8                   (ii), (iii), or (iv) of subparagraph (B) of that para-  
 9                   graph is correct in the case of a covered non-defense  
 10                  agency, such Inspectors General shall, not later than  
 11                  June 15, 2008, jointly—

12                   (A) conduct a second review, as described  
 13                   in subparagraph (A) of that paragraph, regard-  
 14                   ing such non-defense agency's procurement of  
 15                   property or services on behalf of the Depart-  
 16                   ment of Defense in fiscal year 2007; and

17                   (B) determine in writing whether such  
 18                   non-defense agency is or is not compliant with  
 19                   defense procurement requirements.

20                  (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
 21                  REQUIREMENTS.—For the purposes of this section, a cov-  
 22                  ered non-defense agency is compliant with defense pro-  
 23                  curement requirements if such non-defense agency's pro-  
 24                  curement policies, procedures, and internal controls appli-  
 25                  cable to the procurement of products and services on be-

1 half of the Department of Defense, and the manner in  
 2 which they are administered, are adequate to ensure such  
 3 non-defense agency's compliance with the requirements of  
 4 laws and regulations that apply to procurements of prop-  
 5 erty and services made directly by the Department of De-  
 6 fense.

7 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-  
 8 SPECTORS GENERAL.—

9 (1) IN GENERAL.—Not later than 60 days after  
 10 the date of the enactment of this Act, the Inspector  
 11 General of the Department of Defense and the In-  
 12 spector General of each covered non-defense agency  
 13 shall enter into a memorandum of understanding  
 14 with each other to carry out the reviews and make  
 15 the determinations required by this section.

16 (2) SCOPE OF MEMORANDA.—The Inspector  
 17 General of the Department of Defense and the In-  
 18 spector General of a covered non-defense agency  
 19 may by mutual agreement conduct separate reviews  
 20 of the procurement of property and services on be-  
 21 half of the Department of Defense that are con-  
 22 ducted by separate business units, or under separate  
 23 governmentwide acquisition contracts, of such non-  
 24 defense agency. In any case where such separate re-  
 25 views are conducted, the Inspectors General shall

1       make separate determinations under paragraph (1)  
2       or (2) of subsection (a), as applicable, with respect  
3       to each such separate review.

4       (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF  
5 DEPARTMENT OF DEFENSE.—

6           (1) LIMITATION DURING REVIEW PERIOD.—

7       After March 15, 2007, and before June 16, 2008,  
8       no official of the Department of Defense may, except  
9       as provided in subsection (e) or (f), order, purchase,  
10      or otherwise procure property or services in an  
11      amount in excess of \$100,000 through a covered  
12      non-defense agency for which a determination de-  
13      scribed in clause (iii) or (iv) of paragraph (1)(B) of  
14      subsection (a) has been made under subsection (a).

15          (2) LIMITATION AFTER REVIEW PERIOD.—After  
16      June 15, 2008, no official of the Department of De-  
17      fense may, except as provided in subsection (e) or  
18      (f), order, purchase, or otherwise procure property  
19      or services in an amount in excess of \$100,000  
20      through a covered non-defense agency that, having  
21      been subject to review under this section, has not  
22      been determined under this section as being compli-  
23      ant with defense procurement requirements.

24          (3) LIMITATION FOLLOWING FAILURE TO  
25      REACH MOU.—Commencing on the date that is 60



1 days after the date of the enactment of this Act, if  
2 a memorandum of understanding between the In-  
3 spector General of the Department of Defense and  
4 the Inspector General of a covered non-defense agen-  
5 cy cannot be attained causing the review required by  
6 this section to not be performed, no official of the  
7 Department of Defense, except as provided in sub-  
8 section (e) or (f), may order, purchase or otherwise  
9 procure property or services in an amount in excess  
10 of \$100,000 through such non-defense agency.

11 (e) EXCEPTION FROM APPLICABILITY OF LIMITA-  
12 TIONS.—

13 (1) EXCEPTION.—No limitation applies under  
14 subsection (d) with respect to the procurement of  
15 property and services on behalf of the Department  
16 of Defense by a covered non-defense agency during  
17 any period that there is in effect a determination of  
18 the Under Secretary of Defense for Acquisition,  
19 Technology, and Logistics, made in writing, that it  
20 is necessary in the interest of the Department of De-  
21 fense to continue to procure property and services  
22 through such non-defense agency.

23 (2) APPLICABILITY OF DETERMINATION.—A  
24 written determination with respect to a covered non-  
25 defense agency under paragraph (1) is in effect for

1 the period, not in excess of one year, that the Under  
2 Secretary shall specify in the written determination.  
3 The Under Secretary may extend from time to time,  
4 for up to one year at a time, the period for which  
5 the written determination remains in effect.

6 (f) TERMINATION OF APPLICABILITY OF LIMITA-  
7 TIONS.—Subsection (d) shall cease to apply to a covered  
8 non-defense agency on the date on which the Inspector  
9 General of the Department of Defense and the Inspector  
10 General of such non-defense agency jointly—

11 (1) determine that such non-defense agency is  
12 compliant with defense procurement requirements;  
13 and

14 (2) notify the Secretary of Defense of that de-  
15 termination.

16 (g) IDENTIFICATION OF PROCUREMENTS MADE  
17 DURING A PARTICULAR FISCAL YEAR.—For the purposes  
18 of subsection (a), a procurement shall be treated as being  
19 made during a particular fiscal year to the extent that  
20 funds are obligated by the Department of Defense for that  
21 procurement in that fiscal year.

22 (h) RESOLUTION OF DISAGREEMENTS.—If the In-  
23 spector General of the Department of Defense and the In-  
24 spector General of a covered non-defense agency are un-  
25 able to agree on a joint determination under subsection

1 (a) or subsection (f), a determination by the Inspector  
2 General of the Department of Defense under such sub-  
3 section shall be conclusive for the purposes of this section.

4 (i) DEFINITIONS.—In this section:

5 (1) The term “covered non-defense agency”  
6 means each of the following:

7 (A) The Department of Veterans Affairs.

8 (B) The National Institutes of Health.

9 (2) The term “governmentwide acquisition con-  
10 tract”, with respect to a covered non-defense agency,  
11 means a task or delivery order contract that—

12 (A) is entered into by the non-defense  
13 agency; and

14 (B) may be used as the contract under  
15 which property or services are procured for one  
16 or more other departments or agencies of the  
17 Federal Government.

18 **SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CON-**  
19 **TRACTS IN DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Not later than 120 days after the  
21 date of the enactment of this Act, the Secretary of Defense  
22 shall modify the regulations of the Department of Defense  
23 on the use of fixed-price type contracts in development  
24 programs.

1 (b) ELEMENTS.—As modified under subsection (a),  
 2 the regulations described in that subsection shall—

3 (1) establish a preference for the use of fixed-  
 4 price type contracts in development programs to the  
 5 maximum extent practicable in light of the level of  
 6 program risk; and

7 (2) require the use of fixed-price type contracts  
 8 in each contract for system development and dem-  
 9 onstration, or operational system development, un-  
 10 less the use of a different contract type is specifi-  
 11 cally authorized pursuant to subsection (c).

12 (c) AUTHORIZATION OF USE OF DIFFERENT CON-  
 13 TRACT TYPE.—

14 (1) IN GENERAL.—As modified under sub-  
 15 section (a), the regulations described in that sub-  
 16 section shall provide that the Secretary of Defense  
 17 may authorize the use of a difference contract type  
 18 under subsection (b)(2) with respect to a program  
 19 upon a written determination by the Secretary  
 20 that—

21 (A) the program is so complex and tech-  
 22 nically challenging that it would not be prac-  
 23 ticable to reduce program risk to a level that  
 24 would permit the use of a fixed-price type con-  
 25 tract; and

1 (B) the complexity and technical challenge  
2 of the program is not the result of a failure to  
3 meet the certification requirements established  
4 in section 2366a of title 10, United States  
5 Code.

6 (2) SUBMITTAL TO CONGRESSIONAL DEFENSE  
7 COMMITTEES.—The regulations shall provide that a  
8 copy of any determination on a program under para-  
9 graph (1), together with an explanation of the basis  
10 for such determination, shall be submitted to the  
11 congressional defense committees with the first Se-  
12 lected Acquisition Report submitted under section  
13 2432 of title 10, United States Code, after such de-  
14 termination is made.

15 (3) DELEGATION OF AUTHORITY.—The regula-  
16 tions shall provide that the authority to make a de-  
17 termination under paragraph (1) may not be dele-  
18 gated below the level of the Under Secretary of De-  
19 fense for Acquisition, Technology, and Logistics.

20 (d) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-  
21 tion 807 of the National Defense Authorization Act for  
22 Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

23 (e) EFFECTIVE DATE OF REGULATIONS.—

24 (1) IN GENERAL.—The modified regulations re-  
25 quired under this section shall apply to any contract

1 entered into after the date that is 120 days after the  
2 date of the enactment of this Act.

3 (2) SYSTEM DEVELOPMENT AND DEMONSTRA-  
4 TION OR OPERATIONAL SYSTEM DEVELOPMENT.—  
5 The modification required by subsection (b)(2) in  
6 the regulations shall apply with respect to programs  
7 that enter into system development and demonstra-  
8 tion, or operational system development, after the  
9 date that is 120 days after the date of the enact-  
10 ment of this Act.

11 **SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-**  
12 **BASED LOGISTICS CONTRACTS FOR WEAPON**  
13 **SYSTEMS LOGISTICS SUPPORT.**

14 (a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—

16 (1) IN GENERAL.—Amounts available to the  
17 Department of Defense for operation and  
18 maintenance—

19 (A) are available for performance-based lo-  
20 gistics contracts for weapon systems; and

21 (B) subject to paragraph (2), may be used  
22 in accordance with the terms of such contracts  
23 to implement engineering changes that result in  
24 a reduction of the operation and maintenance  
25 costs to the Government of such systems.

1           (2) LIMITATION.—Funds may not be used for  
2           a performance-based logistics contract to implement  
3           engineering changes the total cost of which is ex-  
4           pected to exceed \$20,000,000.

5           (b) NOTICE TO CONGRESS ON ENTRY INTO CON-  
6           TRACTS.—

7           (1) IN GENERAL.—Not later than 30 days be-  
8           fore entering into a performance-based logistics con-  
9           tract under this section, the Secretary of a military  
10          department shall submit to Congress a notice of in-  
11          tent to enter into such contract.

12          (2) ELEMENTS.—The notice on a performance-  
13          based logistics contract under paragraph (1) shall  
14          include the following:

15                (A) A statement that the military depart-  
16                ment concerned—

17                       (i) has performed a business case  
18                       analysis for such contract;

19                       (ii) has determined, based on such  
20                       analysis, that there is a reasonable expect-  
21                       tation that such contract will result in an  
22                       overall reduction of operation and mainte-  
23                       nance costs with respect to a weapon sys-  
24                       tem; and

25                       (iii) has specific plans in place to—

1 (I) update such analysis at ap-  
2 propriate decision points when suffi-  
3 cient cost and performance data have  
4 been collected to validate the assump-  
5 tions used in developing such analysis;  
6 and

7 (II) periodically review and vali-  
8 date the propriety and integrity of  
9 program performance measures, and  
10 verify the reliability of contractor cost  
11 and performance data, with respect to  
12 such contract.

13 (B) An estimate of the projected cost and  
14 savings from such contract, together with an  
15 explanation of the basis for such estimates.

16 (c) PERFORMANCE-BASED LOGISTICS CONTRACT  
17 DEFINED.—In this section, the term “performance-based  
18 logistics contract” means a contract for the acquisition of  
19 logistics support (whether at the system, subsystem, or  
20 major assembly level) for a weapon system that combines  
21 logistics support in an integrated, affordable, performance  
22 package designed to optimize system readiness and meet  
23 performance goals for the weapon system through long-  
24 term support arrangements with clear lines of authority  
25 and responsibility for the provision of such support.



1 (d) REPORT.—

2 (1) IN GENERAL.—Not later than March 1,  
3 2012, the Secretary of Defense shall submit to the  
4 congressional defense committees a report on the  
5 status of all performance-based logistics contracts  
6 entered into pursuant to this section.

7 (2) ELEMENTS.—The report under paragraph  
8 (1) shall include, for each contract covered by such  
9 report, a comparison of the projected cost and sav-  
10 ings of such contract (as estimated in the notice to  
11 Congress under subsection (b)(2)(B)) with the ac-  
12 tual cost and savings of such contract (as deter-  
13 mined in accordance with the plan for such contract  
14 under subsection (b)(2)(A)(iii)).

15 (e) SUNSET.—

16 (1) IN GENERAL.—The authority to enter con-  
17 tracts under this section shall terminate on Sep-  
18 tember 30, 2012.

19 (2) EFFECT ON EXISTING CONTRACTS.—The  
20 termination under paragraph (1) of the authority to  
21 enter contracts under this section shall not affect  
22 the use of funds for purposes authorized by sub-  
23 section (a) under contracts entered on or before the  
24 date specified in that paragraph.

1 **SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP**  
2 **CRITICAL SAFETY ITEMS AND RELATED**  
3 **SERVICES.**

4 (a) **QUALITY CONTROL POLICY.**—The Secretary of  
5 Defense shall prescribe in regulations a quality control  
6 policy for the procurement of the following:

7 (1) Ship critical safety items.

8 (2) Modifications, repair, and overhaul of ship  
9 critical safety items.

10 (b) **ELEMENTS.**—The policy required under sub-  
11 section (a) shall include requirements as follows:

12 (1) That the head of the design control activity  
13 for ship critical safety items establish processes to  
14 identify and manage the procurement, modification,  
15 repair, and overhaul of such items.

16 (2) That the head of the contracting activity for  
17 a ship critical safety item enter into a contract for  
18 the procurement, modification, repair, or overhaul of  
19 such item only with a source on a qualified manufac-  
20 turers list or a source approved by the design control  
21 activity in accordance with section 2319 of title 10,  
22 United States Code (as amended by subsection (d)).

23 (3) That the ship critical safety items delivered,  
24 and the services performed with respect to such  
25 items, meet all technical and quality requirements  
26 specified by the design control activity.

1       (c) DEFINITIONS.—In this section, the terms “ship  
2 critical safety item” and “design control activity” have the  
3 meanings given such terms in subsection (g) of 2319 of  
4 title 10, United States Code (as so amended).

5       (d) CONFORMING AMENDMENTS.—Section 2319 of  
6 title 10, United States Code, is amended—

7           (1) in subsection (c)(3), by inserting “or ship  
8 critical safety item” after “aviation critical safety  
9 item”; and

10          (2) in subsection (g)—

11           (A) by redesignating paragraph (2) as  
12 paragraph (3);

13           (B) by inserting after paragraph (1) the  
14 following new paragraph (2):

15           “(2) The term ‘ship critical safety item’ means  
16 any ship part, assembly, or support equipment con-  
17 taining a characteristic the failure, malfunction, or  
18 absence of which could cause a catastrophic or crit-  
19 ical failure resulting in loss of or serious damage to  
20 the ship or unacceptable risk of personal injury or  
21 loss of life.”; and

22           (C) in paragraph (3), as so redesignated—

23           (i) by inserting “or ship critical safety  
24 item” after “aviation critical safety item”;

1 (ii) by inserting “, or the seaworthi-  
 2 ness of a ship or ship equipment,” after  
 3 “equipment”; and

4 (iii) by striking “the item” and insert-  
 5 ing “such item”.

6 **SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR**  
 7 **REPORTS ON COMMERCIAL PRICE TREND**  
 8 **ANALYSES OF THE DEPARTMENT OF DE-**  
 9 **FENSE.**

10 Section 803(c)(4) of the Strom Thurmond National  
 11 Defense Authorization Act for Fiscal Year 1999 (10  
 12 U.S.C. 2306a note) is amended by striking “2006” and  
 13 inserting “2009”.

14 **SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOP-**  
 15 **MENT IN ACQUISITION OF MAJOR WEAPON**  
 16 **SYSTEMS.**

17 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
 18 of Defense may carry out a pilot program on the use of  
 19 time-certain development in the acquisition of major weap-  
 20 on systems.

21 (b) PURPOSE OF PILOT PROGRAM.—The purpose of  
 22 the pilot program authorized by subsection (a) is to assess  
 23 the feasibility and advisability of utilizing time-certain de-  
 24 velopment in the acquisition of major weapon systems in  
 25 order to deliver new capabilities to the warfighter more

1 rapidly through disciplined decision-making, emphasis on  
2 technological maturity, and appropriate trade-offs between  
3 system performance and schedule.

4 (c) INCLUSION OF SYSTEMS IN PILOT PROGRAM.—

5 (1) IN GENERAL.—The decision whether to in-  
6 clude a major weapon system in the pilot program  
7 shall be made by the Milestone Decision Authority  
8 for the acquisition program for the system.

9 (2) CRITERIA.—A major weapon system may be  
10 included in the pilot program only if the Milestone  
11 Decision Authority determines, in consultation with  
12 the service acquisition executive for the military de-  
13 partment carrying out the acquisition program for  
14 the system and one or more combatant commanders  
15 responsible for fielding the system, that—

16 (A) the certification requirements of sec-  
17 tion 2366a of title 10, United States Code, have  
18 been met, and no waivers have been granted  
19 from such requirements;

20 (B) a preliminary design has been com-  
21 pleted after appropriate requirements analysis  
22 using systems engineering, and the system, as  
23 so designed, will meet battlefield needs identi-  
24 fied by the relevant combatant commanders;

1           (C) all critical technologies needed to meet  
2           system requirements have been demonstrated in  
3           an operational environment;

4           (D) an independent cost estimate has been  
5           conducted and used as the basis for funding re-  
6           quirements for the acquisition program for the  
7           system;

8           (E) the budget of the military department  
9           responsible for carrying out the acquisition pro-  
10          gram for the system provides the funding nec-  
11          essary to execute the product development and  
12          production plan consistent with the require-  
13          ments identified pursuant to subparagraph (D);

14          (F) an appropriately-qualified program  
15          manager has entered into a performance agree-  
16          ment with the Milestone Decision Authority  
17          that establishes expected parameters for the  
18          cost, schedule, and performance of the acquisi-  
19          tion program for the system, consistent with a  
20          business case for such acquisition program;

21          (G) the service acquisition executive and  
22          the program manager have agreed that the pro-  
23          gram manager will continue in such position  
24          until the delivery of the initial operational capa-

1           bility under the acquisition program for the sys-  
2           tem;

3           (H) the service acquisition executive, the  
4           relevant combatant commanders, and the pro-  
5           gram manager have agreed that no additional  
6           requirements will be added during the develop-  
7           ment phase of the acquisition program for the  
8           system; and

9           (I) a planned initial operational capability  
10          will be delivered to the relevant combatant com-  
11          manders no more than 6 years after the date of  
12          the milestone B approval for the system.

13          (3) TIMING OF DECISION.—The decision wheth-  
14          er to include a major weapon system in the pilot  
15          program shall be made at the time of milestone ap-  
16          proval for the acquisition program for the system.

17          (d) LIMITATION ON NUMBER OF SYSTEM IN PILOT  
18          PROGRAM.—The number of major weapon systems in-  
19          cluded in the pilot program at any time may not exceed  
20          12 major weapon systems.

21          (e) SPECIAL FUNDING AUTHORITY.—

22               (1) AUTHORITY FOR RESERVE ACCOUNT.—Not-  
23          withstanding any other provision of law, the Sec-  
24          retary of Defense may establish a special reserve ac-

1 count utilizing funds made available for the major  
2 weapon systems included in the pilot program.

3 (2) ELEMENTS.—The special reserve account  
4 may include—

5 (A) funds made available for any major  
6 weapon system included in the pilot program to  
7 cover termination liability;

8 (B) funds made available for any major  
9 weapon system included in the pilot program  
10 for award fees that may be earned by contrac-  
11 tors; and

12 (C) funds appropriated to the special re-  
13 serve account.

14 (3) AVAILABILITY OF FUNDS.—Funds in the  
15 special reserve account may be used, in accordance  
16 with guidance issued by the Secretary for purposes  
17 of this section, for the following purposes:

18 (A) To cover termination liability for any  
19 major weapon system included in the pilot pro-  
20 gram.

21 (B) To pay award fees that are earned by  
22 any contractor for a major weapon system in-  
23 cluded in the pilot program.

24 (C) To address unforeseen contingencies  
25 that could prevent a major weapon system in-



1           cluded in the pilot program from meeting crit-  
2           ical schedule or performance requirements.

3           (4) REPORTS ON USE OF FUNDS.—Not later  
4           than 30 days after the use of funds in the special  
5           reserve account for the purpose specified in para-  
6           graph (3)(C), the Secretary shall submit to the con-  
7           gressional defense committees a report on report the  
8           use of funds in the account for such purpose. The  
9           report shall set forth the purposes for which the  
10          funds were used and the reasons for the use of the  
11          funds for such purposes.

12          (f) ADMINISTRATION OF PILOT PROGRAM.—The Sec-  
13         retary of Defense shall prescribe policies and procedures  
14         on the administration of the pilot program. Such policies  
15         and procedures shall—

16                 (1) provide for the use of program status re-  
17                 ports based on earned value data to track progress  
18                 on a major weapon system under the pilot program  
19                 against baseline estimates applicable to such system  
20                 at each systems engineering technical review point;  
21                 and

22                 (2) grant authority to the program manager for  
23                 the acquisition program for a major weapon system  
24                 to make key program decisions and trade-offs, sub-  
25                 ject to management reviews only if cost or schedule

1       deviations exceed 10 percent baselines for such ac-  
2       quisition program.

3       (g) EXPIRATION OF AUTHORITY TO INCLUDE ADDI-  
4       TIONAL SYSTEMS IN PILOT PROGRAM.—

5           (1) EXPIRATION.—A major weapon system may  
6       not be included in the pilot program after September  
7       30, 2012.

8           (2) RETENTION OF SYSTEMS.—A major weapon  
9       system included in the pilot program before the date  
10      specified in paragraph (1) in accordance with the re-  
11      quirements of this section may remain in the pilot  
12      program after that date.

13      (h) ANNUAL REPORT.—

14           (1) IN GENERAL.—Not later than one year  
15      after including the first major weapon system in the  
16      pilot program, and annually thereafter, the Sec-  
17      retary shall submit to the congressional defense com-  
18      mittees a report on the pilot program, and the major  
19      weapon systems included in the pilot program, dur-  
20      ing the one-year period ending on the date of such  
21      report.

22           (2) ELEMENTS.—Each report under this sub-  
23      section shall include—

24           (A) a description of progress under the  
25      pilot program, and on each major weapon sys-

1           tem included in the pilot program, during the  
2           period covered by such report; and

3                   (B) such other matters as the Secretary  
4           considers appropriate.

5           (i) MAJOR WEAPON SYSTEM DEFINED.—In this sec-  
6   tion, the term “major weapon system” means a weapon  
7   system that is treatable as a major system under section  
8   2302(5) of title 10, United States Code.

9   **SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL AC-**  
10                   **QUISITION FUNCTIONS.**

11           (a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

12                   (1) IN GENERAL.—Section 2383 of title 10,  
13   United States Code is amended—

14                           (A) by redesignating subsection (b) as sub-  
15                   section (c); and

16                           (B) by inserting after subsection (a) the  
17           following new subsection (b):

18           “(b) GOVERNMENT PERFORMANCE OF CRITICAL AC-  
19   QUISITION FUNCTIONS.—The head of an agency shall en-  
20   sure that, at a minimum, for each major defense acquisi-  
21   tion program and each major automated information sys-  
22   tem program, each of the following positions is performed  
23   by a properly qualified full-time Federal military or civil-  
24   ian employee:

25                   “(1) Program manager.

1 “(2) Deputy program manager.

2 “(3) Chief engineer.

3 “(4) Systems engineer.

4 “(5) Cost estimator.”.

5 (2) DEFINITIONAL MATTERS.—Subsection (c)  
6 of such section, as redesignated by paragraph (1)(A)  
7 of this subsection, is further amended by adding at  
8 the end the following new paragraphs:

9 “(5) The term ‘major defense acquisition pro-  
10 gram’ has the meaning given such term in section  
11 2430(a) of this title.

12 “(6) The term ‘major automated information  
13 system program’ has the meaning given such term  
14 in section 2445a(a) of this title.”.

15 (b) EFFECTIVE DATE AND PHASE-IN.—

16 (1) EFFECTIVE DATE.—The amendments made  
17 by subsection (a) shall take effect on the date that  
18 is one year after the date of enactment of this Act.

19 (2) TEMPORARY WAIVER.—During the two-year  
20 period beginning on the effective date specified in  
21 paragraph (1), the head of an agency may waive the  
22 requirement in subsection (b) of section 2383 of title  
23 10, United States Code, as amended by subsection  
24 (a) of this section, with regard to a specific function  
25 on a particular program upon a written determina-

1       tion by the head of the agency that a properly quali-  
 2       fied full-time Federal military or civilian employee  
 3       cannot reasonably be made available to perform such  
 4       function.

## 5       **Subtitle B—Defense Industrial** 6       **Base Matters**

### 7       **SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS** 8       **FROM CERTAIN REQUIREMENTS.**

9       (a) IN GENERAL.—Subsection (b) of section 2533a  
 10      of title 10, United States Code, is amended by striking  
 11      paragraph (3).

12      (b) CONFORMING AMENDMENT.—Subsection (d) of  
 13      such section is amended by striking “(b)(1)(A), (b)(2), or  
 14      (b)(3)” each place it appears and inserting “(b)(1)(A) or  
 15      (b)(2)”.

### 16      **SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS RE-** 17      **GARDING SPECIALTY METALS.**

18      (a) EXEMPTION FOR CERTAIN COMMERCIAL  
 19      ITEMS.—Subsection (i) of section 2533a of title 10,  
 20      United States Code, is amended—

21              (1) by inserting “, DUAL-USE ITEMS, AND  
 22      ELECTRONIC COMPONENTS” after “COMMERCIAL  
 23      ITEMS”;

24              (2) by inserting “(1)” before “this section”;

1           (3) in paragraph (1), as so designated, by in-  
2       serting “described in subsection (b)(1)” after “com-  
3       mercial items”; and

4           (4) by adding at the end the following new  
5       paragraphs:

6       “(2) This section is not applicable to—

7           “(A) a contract or subcontract for the procure-  
8       ment of a commercial item containing specialty met-  
9       als described in subsections (b)(2) and (b)(3); or

10          “(B) specialty metals that are incorporated into  
11       an electronic component, where the value of the spe-  
12       cialty metal used in the component is de minimis in  
13       relation to the value of the electronic component.

14       “(3) For purposes of paragraph (2)(A), a commercial  
15       item does not include—

16          “(A) any item that contains noncommercial  
17       modifications that cost or are expected to cost, in  
18       the aggregate, more than 5 percent of the total price  
19       of such item;

20          “(B) any item that would not be considered to  
21       be a commercial item, but for sales to government  
22       entities or inclusion in items that are sold to govern-  
23       ment entities;

24          “(C) forgings or castings for military unique  
25       end items;

1           “(D) fasteners other than commercial off-the-  
2 shelf items (as defined in section 35(c) of the Office  
3 of Federal Procurement Policy Act (41 U.S.C.  
4 431(c)); or

5           “(E) specialty metals.”.

6           (b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO  
7 FACILITATE CIVIL-MILITARY INTEGRATION.—Such sec-  
8 tion is further amended by adding at the end the following  
9 new subsection:

10          “(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO  
11 FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection  
12 (a) does not apply to the procurement of an item from  
13 a contractor or a first-tier subcontractor if the Secretary  
14 of Defense or the Secretary of a military department de-  
15 termines that—

16           “(1) the item is or will be produced using the  
17 same production facilities, a common supply chain,  
18 and the same or similar production processes that  
19 are used for the production of similar items deliv-  
20 ered to non-defense customers; and

21           “(2) the contractor or subcontractor has made  
22 a contractual commitment to purchase a quality,  
23 grade, and amount of domestically-melted specialty  
24 metals for use by the purchaser during the period of  
25 contract performance in the production of the item

1 and other similar items delivered to non-defense cus-  
 2 tomers that is not less than the greater of—

3 “(A) the amount of specialty metals that is  
 4 purchased by the contractor for use in the item  
 5 delivered to the Department of Defense; or

6 “(B) 40 percent of the amount of specialty  
 7 metals purchased by the contractor or subcon-  
 8 tractor for use during such period in the pro-  
 9 duction of the item and similar items delivered  
 10 to non-defense contractors.”.

11 (c) DE MINIMIS STANDARD FOR SPECIALTY MET-  
 12 ALS.—Such section is further amended by adding at the  
 13 end the following new subsection:

14 “(1) MINIMUM THRESHOLD FOR SPECIALTY MET-  
 15 ALS.—Notwithstanding the requirements of subsection  
 16 (a), the Secretary of Defense or the Secretary of a military  
 17 department may accept delivery of an item containing spe-  
 18 cialty metals that were not grown, reprocessed, reused, or  
 19 produced in the United States if the total amount of non-  
 20 compliant specialty metals in the item does not exceed 2  
 21 percent of the total amount of specialty metals in the  
 22 item.”.

23 (d) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by  
 25 subsections (a) and (c) shall take effect on the date



1 of the enactment of this Act, and shall apply with  
 2 respect to items accepted for delivery on or after  
 3 that date.

4 (2) CIVIL-MILITARY INTEGRATION.—The  
 5 amendment made by subsection (b) shall take effect  
 6 on the date of the enactment of this Act, and shall  
 7 apply to contracts entered into on or after that date.

8 **SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**  
 9 **CONTENT REQUIREMENTS.**

10 (a) AUTHORITY.—Subchapter V of chapter 148 of  
 11 title 10, United States Code, is amended by adding at the  
 12 end the following new section:

13 **“§ 2539c. Waiver of domestic source or content re-**  
 14 **quirements**

15 “(a) AUTHORITY.—Except as provided in subsection  
 16 (f), the Secretary of Defense may waive the application  
 17 of any domestic source requirement or domestic content  
 18 requirement referred to in subsection (b) and thereby au-  
 19 thorize the procurement of items that are grown, reproc-  
 20 essed, reused, produced, or manufactured—

21 “(1) in a foreign country that has a Declaration  
 22 of Principles with the United States;

23 “(2) in a foreign country that has a Declaration  
 24 of Principles with the United States substantially  
 25 from components and materials grown, reprocessed,

1 reused, produced, or manufactured in the United  
2 States or any foreign country that has a Declaration  
3 of Principles with the United States; or

4 “(3) in the United States substantially from  
5 components and materials grown, reprocessed, re-  
6 used, produced, or manufactured in the United  
7 States or any foreign country that has a Declaration  
8 of Principles with the United States.

9 “(b) COVERED REQUIREMENTS.—For purposes of  
10 this section:

11 “(1) A domestic source requirement is any re-  
12 quirement under law that the Department of De-  
13 fense satisfy its requirements for an item by pro-  
14 curing an item that is grown, reprocessed, reused,  
15 produced, or manufactured in the United States or  
16 by a manufacturer that is a part of the national  
17 technology and industrial base (as defined in section  
18 2500(1) of this title).

19 “(2) A domestic content requirement is any re-  
20 quirement under law that the Department of De-  
21 fense satisfy its requirements for an item by pro-  
22 curing an item produced or manufactured partly or  
23 wholly from components and materials grown, re-  
24 processed, reused, produced, or manufactured in the  
25 United States.

1       “(c) APPLICABILITY.—The authority of the Secretary  
2 to waive the application of a domestic source or content  
3 requirements under subsection (a) applies to the procure-  
4 ment of items for which the Secretary of Defense deter-  
5 mines that—

6           “(1) application of the requirement would im-  
7 pede the reciprocal procurement of defense items  
8 under a Declaration of Principles with the United  
9 States; and

10          “(2) such country does not discriminate against  
11 defense items produced in the United States to a  
12 greater degree than the United States discriminates  
13 against defense items produced in that country.

14       “(d) LIMITATION ON DELEGATION.—The authority  
15 of the Secretary to waive the application of domestic  
16 source or content requirements under subsection (a) may  
17 not be delegated to any officer or employee other than the  
18 Under Secretary of Defense for Acquisition, Technology,  
19 and Logistics.

20       “(e) CONSULTATIONS.—The Secretary may grant a  
21 waiver of the application of a domestic source or content  
22 requirement under subsection (a) only after consultation  
23 with the United States Trade Representative, the Sec-  
24 retary of Commerce, and the Secretary of State.

1       “(f) LAWS NOT WAIVABLE.—The Secretary of De-  
 2 fense may not exercise the authority under subsection (a)  
 3 to waive any domestic source or content requirement con-  
 4 tained in any of the following laws:

5               “(1) The Small Business Act (15 U.S.C. 631 et  
 6 seq.).

7               “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
 8 46 et seq.).

9               “(3) Sections 7309 and 7310 of this title.

10              “(4) Section 2533a of this title.

11       “(g) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
 12 ITY.—The authority under subsection (a) to waive a do-  
 13 mestic source requirement or domestic content require-  
 14 ment is in addition to any other authority to waive such  
 15 requirement.

16       “(h) CLARIFICATION OF RELATIONSHIP WITH BUY  
 17 AMERICAN ACT.—Nothing in this section shall be con-  
 18 strued to alter in any way the applicability of the Buy  
 19 American Act (41 U.S.C. 10a), or the authority of the  
 20 Secretary of Defense to waive the requirements of such  
 21 Act, with respect to the procurement of any item to which  
 22 such Act would apply without regard to this section.

23       “(i) CONSTRUCTION WITH RESPECT TO LATER EN-  
 24 ACTED LAWS.—This section may not be construed as  
 25 being inapplicable to a domestic source requirement or do-

1 mestic content requirement that is set forth in a law en-  
 2 acted after the enactment of this section solely on the  
 3 basis of the later enactment.

4 “(j) DECLARATION OF PRINCIPLES.—(1) In this sec-  
 5 tion, the term ‘Declaration of Principles’ means a written  
 6 understanding (including any Statement of Principles) be-  
 7 tween the Department of Defense and its counterpart in  
 8 a foreign country signifying a cooperative relationship be-  
 9 tween the Department and its counterpart to standardize  
 10 or make interoperable defense equipment used by the  
 11 armed forces and the armed forces of the foreign country  
 12 across a broad spectrum of defense activities, including—

13 “(A) harmonization of military requirements  
 14 and acquisition processes;

15 “(B) security of supply;

16 “(C) export procedures;

17 “(D) security of information;

18 “(E) ownership and corporate governance;

19 “(F) research and development;

20 “(G) flow of technical information; and

21 “(H) defense trade.

22 “(2) A Declaration of Principles is underpinned by  
 23 a memorandum of understanding or other agreement pro-  
 24 viding for the reciprocal procurement of defense items be-  
 25 tween the United States and the foreign country con-

1 cerned without unfair discrimination in accordance with  
 2 section 2531 of this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of such subchapter is amended by insert-  
 5 ing after the item relating to section 2539b the following  
 6 new item:

“2539c. Waiver of domestic source or content requirements.”.

7 **SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION**  
 8 **OF ESSENTIAL MILITARY ITEMS AND MILI-**  
 9 **TARY SYSTEM ESSENTIAL ITEM BREAKOUT**  
 10 **LIST.**

11 Section 813 of the National Defense Authorization  
 12 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 13 1543) is repealed.

14 **SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGA-**  
 15 **TIONS UNDER TRADE AGREEMENTS.**

16 No provision of this Act or any amendment made by  
 17 this Act shall apply to a procurement by or for the Depart-  
 18 ment of Defense to the extent that the Secretary of De-  
 19 fense, in consultation with the Secretary of Commerce, the  
 20 United States Trade Representative, and the Secretary of  
 21 State, determines that it is inconsistent with United  
 22 States obligations under a trade agreement.

1       **Subtitle C—Defense Contractor**  
 2                               **Matters**

3       **SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS**  
 4                               **RELATING TO CERTAIN FORMER DEPART-**  
 5                               **MENT OF DEFENSE OFFICIALS.**

6               (a) REQUIREMENTS.—

7                       (1) IN GENERAL.—Chapter 141 of title 10,  
 8               United States Code, is amended by adding at the  
 9               end the following new section:

10    **“§ 2410p. Defense contractors: requirements con-**  
 11                               **cerning former Department of Defense of-**  
 12                               **icials**

13               “(a) IN GENERAL.—Each contract for the procure-  
 14       ment of goods or services in excess of \$10,000,000, other  
 15       than a contract for the procurement of commercial items,  
 16       that is entered into by the Department of Defense shall  
 17       include a provision under which the contractor agrees to  
 18       submit to the Secretary of Defense, not later than April  
 19       1 of each year such contract is in effect, a written report  
 20       setting forth the information required by subsection (b).

21               “(b) REPORT INFORMATION.—Except as provided in  
 22       subsection (c), a report by a contractor under subsection

23       (a) shall—

24                       “(1) list the name of each person who—

1           “(A) is a former officer or employee of the  
2           Department of Defense or a former or retired  
3           member of the armed forces who served—

4                   “(i) in an Executive Schedule position  
5                   under subchapter II of chapter 53 of title  
6                   5;

7                   “(ii) in a position in the Senior Exec-  
8                   utive Service under subchapter VIII of  
9                   chapter 53 of title 5;

10                  “(iii) in a general or flag officer posi-  
11                  tion compensated at a rate of pay for  
12                  grade 0–7 or above under section 201 of  
13                  title 37; or

14                  “(iv) as a program manager, deputy  
15                  program manager, procuring contracting  
16                  officer, administrative contracting officer,  
17                  source selection authority, member of the  
18                  source selection evaluation board, or chief  
19                  of a financial or technical evaluation team  
20                  for a contract with a value in excess of  
21                  \$10,000,000; and

22           “(B) during the preceding calendar year  
23           was provided compensation by the contractor, if  
24           such compensation was first provided by the  
25           contractor not more than two years after such



1 officer, employee, or member left service in the  
2 Department of Defense; and

3 “(2) in the case of each person listed under  
4 paragraph (1)—

5 “(A) identify the agency in which such per-  
6 son was employed or served on active duty dur-  
7 ing the last two years of such person’s service  
8 with the Department of Defense;

9 “(B) state such person’s job title and iden-  
10 tify each major defense system, if any, on which  
11 such person performed any work with the De-  
12 partment of Defense during the last two years  
13 of such person’s service with the Department;  
14 and

15 “(C) state such person’s current job title  
16 with the contractor and identify each major de-  
17 fense system on which such person has per-  
18 formed any work on behalf of the contractor.

19 “(c) DUPLICATE INFORMATION NOT REQUIRED.—  
20 An annual report submitted by a contractor pursuant to  
21 subsection (b) need not provide information with respect  
22 to any former officer or employee of the Department of  
23 Defense or former or retired member of the armed forces  
24 if such information has already been provided in a pre-

1 vious annual report filed by such contractor under this  
2 section.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 141 of such title  
5 is amended by adding at the end the following new  
6 item:

“2410p. Defense contractors: requirements concerning former Department of  
Defense officials.”.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall take effect on the date of the enact-  
9 ment of this Act, and shall apply with respect to contracts  
10 entered into on or after that date.

11 **SEC. 842. LEAD SYSTEMS INTEGRATORS.**

12 (a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD  
13 SYSTEMS INTEGRATORS.—

14 (1) IN GENERAL.—Chapter 141 of title 10,  
15 United States Code, as amended by section  
16 841(a)(1) of this Act, is further amended by adding  
17 at the end the following new section:

18 **“§ 2410q. Contracts: limitations on lead systems inte-**  
19 **grators**

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (b), no contractor performing any inherently governmental  
22 functions, or functions closely associated with inherently  
23 governmental functions, relating to the acquisition, engi-  
24 neering, structuring, planning, integration, management,

1 or control of a system of systems, regardless of whether  
2 or not such contractor is expressly designated as a so-  
3 called ‘lead systems integrator’, may have any financial  
4 interest in the development or construction of any indi-  
5 vidual system or element of such system of systems.

6 “(b) EXCEPTION.—A contractor described in sub-  
7 section (a) may have a financial interest in the develop-  
8 ment or construction of an individual system or element  
9 of a system of systems if the Secretary of Defense certifies  
10 to the congressional defense committees that—

11 “(1) the contractor is the preferred best of in-  
12 dustry supplier of the system or element concerned;  
13 and

14 “(2) the contractor was selected to develop or  
15 construct the system or element concerned only after  
16 a formal competition for such system or element  
17 conducted by the Department of Defense in which  
18 the contractor participated only as a respondent to  
19 the request for proposal (RFP) under the competi-  
20 tion.

21 “(c) CONSTRUCTION.—Nothing in this section shall  
22 be construed to preclude a contractor described in sub-  
23 section (a) from performing work necessary to integrate  
24 two or more individual systems or elements of a system  
25 of systems with each other.

1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘best of industry’, with respect  
3 to the development or construction of a system or  
4 element by a contractor, means that the contractor  
5 provides the Government any of the following in the  
6 development or construction of the system or ele-  
7 ment for the Government:

8 “(A) Best overall value.

9 “(B) Best technology.

10 “(C) Best capability.

11 “(D) Best availability.

12 “(2) The term ‘functions closely associated with  
13 inherently governmental functions’ has the meaning  
14 given such term in section 2383(b)(3) of this title.

15 “(3) The term ‘inherently governmental func-  
16 tions’ has the meaning given such term in section  
17 2383(b)(2) of this title.

18 “(4) The term ‘system of systems’ means a set  
19 of interdependent systems, including one or more  
20 major weapon systems, that are related to provide a  
21 given capability and in which the loss of any one  
22 would significantly degrade the performance or capa-  
23 bilities of the set of systems as a whole.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-  
25 tions at the beginning of chapter 141 of such title,

1 as amended by section 841(a)(2) of this Act, is fur-  
 2 ther amended by adding at the end the following  
 3 new item:

“2410q. Contracts: limitations on lead systems integrators.”.

4 (3) EFFECTIVE DATE.—The amendments made  
 5 by subsection (a) shall take effect on the date of the  
 6 enactment of this Act, and shall apply with respect  
 7 to contracts entered into on or after that date.

8 (b) UPDATE OF REGULATIONS ON LEAD SYSTEMS  
 9 INTEGRATORS.—Not later than December 31, 2006, the  
 10 Secretary of Defense shall update the acquisition regula-  
 11 tions of the Department of Defense in order to specify  
 12 fully in such regulations the matters with respect to lead  
 13 systems integrators set forth in section 805(b) of the Na-  
 14 tional Defense Authorization for Fiscal Year 2006 (Public  
 15 Law 109–163; 119 Stat. 3372).

16 (c) DEFINITION OF LEAD SYSTEMS INTEGRATOR.—

17 (1) DEFINITION REQUIRED.—The Secretary of  
 18 Defense shall include in the report required by sec-  
 19 tion 805 of the National Defense Authorization for  
 20 Fiscal Year 2006 a precise and comprehensive defi-  
 21 nition of the term “lead systems integrator”, as that  
 22 term is utilized in such section.

23 (2) MATTERS TO BE ADDRESSED.—In defining  
 24 the term “lead systems integrator” under paragraph

1       (1), the Secretary shall take into account the fol-  
2       lowing:

3               (A) The importance of lead systems inte-  
4               grators in the production, fielding, and  
5               sustainment of complex systems, including their  
6               role in addressing increases in cost, the evo-  
7               lution of interoperability requirements, and the  
8               maintenance and sustainment of critical capa-  
9               bilities.

10              (B) The unique engineering and integra-  
11              tion skills of lead systems integrators.

12              (C) The management and organizational  
13              skills and capabilities of lead systems integra-  
14              tors, including the capacity of lead systems in-  
15              tegrators to facilitate the participation of small  
16              and disadvantaged businesses in the production,  
17              fielding, and sustainment of complex systems.

18       (d) CONTRACT TYPES AND FEE STRUCTURES.—The  
19       Secretary of Defense shall include in the report required  
20       by section 805 of the National Defense Authorization for  
21       Fiscal Year 2006 a specification of various types of con-  
22       tracts and fee structures, including award and incentive  
23       fees, that are appropriate for use by lead systems integra-  
24       tors in the production, fielding, and sustainment of com-  
25       plex systems.

1 **SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO AC-**  
2 **QUISITION OUTCOMES.**

3 (a) GUIDANCE ON LINKING OF AWARD AND INCEN-  
4 TIVE FEES TO ACQUISITION OUTCOMES.—Not later than  
5 180 days after the date of the enactment of this Act, the  
6 Secretary of Defense shall issue guidance, with detailed  
7 implementation instructions (including definitions), for  
8 the Department of Defense on the appropriate use of  
9 award and incentive fees in Department of Defense acqui-  
10 sition programs.

11 (b) ELEMENTS.—The guidance under subsection (a)  
12 shall—

13 (1) ensure that all new contracts using award  
14 fees link such fees to acquisition outcomes (which  
15 shall be defined in terms of program cost, schedule,  
16 and performance);

17 (2) provide guidance on the circumstances in  
18 which contractor performance may be judged to be  
19 “excellent” or “superior” and the percentage of the  
20 available award fee which contractors should be paid  
21 for such performance;

22 (3) establish standards for determining the per-  
23 centage of the available award fee, if any, which con-  
24 tractors should be paid for performance that is  
25 judged to be “acceptable”, “average”, “expected”,  
26 “good”, or “satisfactory”;

1           (4) ensure that no award fee may be paid for  
2           contractor performance that is judged to be below-  
3           satisfactory performance or performance that does  
4           not meet the basic requirements of the contract;

5           (5) provide specific direction on the cir-  
6           cumstances, if any, in which it may be appropriate  
7           to roll over award fees that are not earned in one  
8           award fee period to a subsequent award fee period  
9           or periods;

10          (6) ensure that the Department of Defense—

11                (A) collects relevant data on award and in-  
12                centive fees paid to contractors; and

13                (B) has mechanisms in place to evaluate  
14                such data on a regular basis;

15          (7) include performance measures to evaluate  
16          the effectiveness of award and incentive fees as a  
17          tool for improving contractor performance and  
18          achieving desired program outcomes; and

19          (8) provide mechanisms for sharing proven in-  
20          centive strategies for the acquisition of different  
21          types of products and services among contracting  
22          and program management officials.

23          (c) ASSESSMENT OF INDEPENDENT EVALUATION  
24          MECHANISMS.—



1           (1) IN GENERAL.—The Secretary of Defense  
2       shall select a federally-funded research and develop-  
3       ment center to assess various mechanisms that could  
4       be used to ensure an independent evaluation of con-  
5       tractor performance for the purpose of making de-  
6       terminations applicable to the judging and payment  
7       of award fees.

8           (2) CONSIDERATIONS.—The assessment con-  
9       ducted pursuant to paragraph (1) shall include con-  
10      sideration of the advantages and disadvantages of a  
11      system in which award fees are—

12                (A) held in a separate fund or funds of the  
13      Department of Defense; and

14                (B) allocated to a specific program only  
15      upon a determination by an independent board,  
16      charged with comparing contractor performance  
17      across programs, that such fees have been  
18      earned by the contractor for such program.

19           (3) REPORT.—The Secretary shall submit to  
20      the congressional defense committees a report on the  
21      assessment conducted pursuant to paragraph (1) not  
22      later than one year after the date of the enactment  
23      of this Act.

1 **SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH**  
2 **CHARGES.**

3 (a) REGULATIONS REQUIRED.—Not later than 120  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Defense shall prescribe regulations prohibiting  
6 excessive pass-through charges on contracts or sub-  
7 contracts (or task or delivery orders) that are entered into  
8 for or on behalf of the Department of Defense that are  
9 in excess of the simplified acquisition threshold, as speci-  
10 fied in section 4(11) of the Office of Federal Procurement  
11 Policy Act (41 U.S.C. 403(11)).

12 (b) SCOPE OF REGULATIONS.—The regulations pre-  
13 scribed under this section shall not apply to any firm,  
14 fixed-price contract or subcontract (or task or delivery  
15 order) that is—

16 (1) awarded on the basis of adequate price com-  
17 petition; or

18 (2) for the acquisition of a commercial item, as  
19 defined in section 4(12) of the Office of Federal  
20 Procurement Policy Act (41 U.S.C. 403(12)).

21 (c) DEFINITIONS.—In this section:

22 (1) The term “excessive pass-through charge”  
23 means a charge by a covered contractor or subcon-  
24 tractor for overhead or profit on work performed by  
25 a covered lower-tier contractor (other than charges

1 for the direct costs of managing lower-tier contracts  
2 and overhead and profit based on such direct costs).

3 (2) The term “covered contractor” means the  
4 following:

5 (A) A contractor that assigns work ac-  
6 counting for more than 90 percent of the cost  
7 of contract performance (not including overhead  
8 or profit) to subcontractors.

9 (B) In the case of a contract providing for  
10 the development or production of more than one  
11 weapon system, a contractor that assigns work  
12 accounting for more than 90 percent of the cost  
13 of contract performance (not including overhead  
14 or profit) for any particular weapon system  
15 under such contract to subcontractors.

16 (3) The term “covered lower-tier contractor”  
17 means the following:

18 (A) With respect to a covered contractor  
19 described by paragraph (2)(A) in a contract,  
20 any lower-tier subcontractor under such con-  
21 tract.

22 (B) With respect to a covered contractor  
23 described by paragraph (2)(B) in a contract,  
24 any lower-tier subcontractor on a weapon sys-  
25 tem under such contract for which such covered

1 contractor has assigned work accounting for  
2 more than 90 percent of the cost of contract  
3 performance (not including overhead or profit).

4 (d) EFFECTIVE DATE.—The regulations prescribed  
5 under this section shall apply to contracts awarded for or  
6 on behalf of the Department of Defense on or after the  
7 date that is 120 days after the date of the enactment of  
8 this Act.

9 **SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CON-**  
10 **TRACTING WITH CONTRACTORS OR SUB-**  
11 **CONTRACTORS EMPLOYING MEMBERS OF**  
12 **THE SELECTIVE RESERVE.**

13 (a) STUDY REQUIRED.—The Secretary of Defense  
14 shall conduct a study on contracting with the Department  
15 of Defense by actual and potential contractors and sub-  
16 contractors of the Department who employ members of  
17 the Selected Reserve of the reserve components of the  
18 Armed Forces.

19 (b) ELEMENTS.—The study required by subsection  
20 (a) shall address the following:

21 (1) The extent to which actual and potential  
22 contractors and subcontractors of the Department,  
23 including small businesses, employ members of the  
24 Selective Reserve.

1           (2) The extent to which actual and potential  
2           contractors and subcontractors of the Department  
3           have been or are likely to be disadvantaged in the  
4           performance of contracts with the Department, or in  
5           competition for new contracts with the Department,  
6           when employees who are such members are mobi-  
7           lized as part of a United States military operation  
8           overseas.

9           (3) Any actions that, in the view of the Sec-  
10          retary, should be taken to address any such dis-  
11          advantage, including—

12                (A) the extension of additional time for the  
13                performance of contracts to contractors and  
14                subcontractors of Department who employ  
15                members of the Selected Reserve who are mobi-  
16                lized as part of a United States military oper-  
17                ation overseas; and

18                (B) the provision of assistance in forming  
19                contracting relationships with other entities to  
20                ameliorate the temporary loss of qualified per-  
21                sonnel.

22          (c) REPORT.—Not later than one year after the date  
23          of the enactment of this Act, the Secretary shall submit  
24          to Congress a report on the study required by this section.

1 The report shall set forth the findings and recommenda-  
 2 tions of the Secretary as a result of the study.

3 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section  
 4 819 of the National Defense Authorization Act for Fiscal  
 5 Year 2006 (Public Law 109–163; 119 Stat. 3385; 10  
 6 U.S.C. 2305 note) is repealed.

## 7 **Subtitle D—Program Manager** 8 **Matters**

### 9 **SEC. 861. PROGRAM MANAGER EMPOWERMENT AND AC-** 10 **COUNTABILITY.**

11 (a) STRATEGY.—The Secretary of Defense shall de-  
 12 velop a comprehensive strategy for enhancing the role of  
 13 Department of Defense program managers in developing  
 14 and carrying out defense acquisition programs.

15 (b) MATTERS TO BE ADDRESSED.—The strategy re-  
 16 quired by this section shall address, at a minimum—

17 (1) enhanced training and educational opportu-  
 18 nities for program managers;

19 (2) increased emphasis on the mentoring of cur-  
 20 rent and future program managers by experienced  
 21 senior executives and program managers within the  
 22 Department;

23 (3) improved career paths and career opportu-  
 24 nities for program managers;

1           (4) additional incentives for the recruitment  
2           and retention of highly qualified individuals to serve  
3           as program managers;

4           (5) improved resources and support (including  
5           systems engineering expertise, cost estimating exper-  
6           tise, and software development expertise) for pro-  
7           gram managers;

8           (6) improved means of collecting and dissemi-  
9           nating best practices and lessons learned to enhance  
10          program management across the Department;

11          (7) common templates and tools to support im-  
12          proved data gathering and analysis for program  
13          management and oversight purposes;

14          (8) increased accountability of program man-  
15          agers for the results of defense acquisition pro-  
16          grams; and

17          (9) enhanced monetary and nonmonetary  
18          awards for successful accomplishment of program  
19          objectives by program managers.

20          (c) REPORT.—Not later than 180 days after the date  
21          of the enactment of this Act, the Secretary shall submit  
22          to the congressional defense committees a report on the  
23          strategy developed pursuant to this section.

1 **SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM**  
2 **MANAGERS FOR PROGRAM DEVELOPMENT**  
3 **PERIODS.**

4 (a) REVISED GUIDANCE REQUIRED.—Not later than  
5 180 days after the date of the enactment of this Act, the  
6 Secretary of Defense shall revise Department of Defense  
7 guidance for defense acquisition programs to address the  
8 tenure and accountability of program managers for the  
9 program development period of defense acquisition pro-  
10 grams.

11 (b) PROGRAM DEVELOPMENT PERIOD.—For the pur-  
12 pose of this section, the term “program development pe-  
13 riod” refers to the period before a decision on Milestone  
14 B approval (or Key Decision Point B approval in the case  
15 of a space program).

16 (c) RESPONSIBILITIES.—The revised guidance re-  
17 quired by subsection (a) shall provide that the program  
18 manager for the program development period of a defense  
19 acquisition program is responsible for—

20 (1) bringing to maturity the technologies and  
21 manufacturing processes that will be needed to carry  
22 out such program;

23 (2) ensuring continuing focus during program  
24 development on meeting stated mission requirements  
25 and other requirements of the Department of De-  
26 fense;



1           (3) making trade-offs between program cost,  
2           schedule and performance for the life-cycle of such  
3           program;

4           (4) developing a business case for such pro-  
5           gram; and

6           (5) ensuring that appropriate information is  
7           available to the milestone decision authority to make  
8           a decision on Milestone B approval (or Key Decision  
9           Point B approval in the case of a space program),  
10          including information necessary to make the certifi-  
11          cation required by section 2366a of title 10, United  
12          States Code.

13          (d) QUALIFICATIONS, RESOURCES, AND TENURE.—  
14          The Secretary shall ensure that each program manager  
15          for the program development period of a defense acquisi-  
16          tion program—

17               (1) has the appropriate management, engineer-  
18               ing, technical, and financial expertise needed to meet  
19               the responsibilities assigned pursuant to subsection  
20               (c);

21               (2) is provided the resources and support (in-  
22               cluding systems engineering expertise, cost esti-  
23               mating expertise, and software development exper-  
24               tise) needed to meet such responsibilities; and

1           (3) is assigned to the program manager posi-  
 2           tion for such program until such time as such pro-  
 3           gram is ready for a decision on Milestone B approval  
 4           (or Key Decision Point B approval in the case of a  
 5           space program).

6 **SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM**  
 7 **MANAGERS FOR PROGRAM EXECUTION PERI-**  
 8 **ODS.**

9           (a) REVISED GUIDANCE REQUIRED.—Not later than  
 10 180 days after the date of the enactment of this Act, the  
 11 Secretary of Defense shall revise Department of Defense  
 12 guidance for defense acquisition programs to address the  
 13 tenure and accountability of program managers for the  
 14 program execution period of defense acquisition programs.

15           (b) PROGRAM EXECUTION PERIOD.—For the pur-  
 16 pose of this section, the term “program execution period”  
 17 refers to the period after Milestone B approval (or Key  
 18 Decision Point B approval in the case of a space pro-  
 19 gram).

20           (c) RESPONSIBILITIES.—The revised guidance re-  
 21 quired by subsection (a) shall—

22           (1) require the program manager for the pro-  
 23 gram execution period of a defense acquisition pro-  
 24 gram to enter into a performance agreement with

1 the milestone decision authority for such program  
2 within six months of assignment, that—

3 (A) establishes expected parameters for the  
4 cost, schedule, and performance of such pro-  
5 gram consistent with the business case for such  
6 program;

7 (B) provides the commitment of the mile-  
8 stone decision authority to provide the level  
9 funding and resources required to meet such  
10 parameters; and

11 (C) provides the assurance of the program  
12 manager that such parameters are achievable  
13 and that such program manager will be ac-  
14 countable for meeting such parameters; and

15 (2) provide the program manager with the au-  
16 thority to—

17 (A) veto the addition of new program re-  
18 quirements that would be inconsistent with the  
19 parameters established in the performance  
20 agreement entered pursuant to paragraph (1);

21 (B) make trade-offs between cost, schedule  
22 and performance, provided that such trade-offs  
23 are consistent with the parameters established  
24 in the performance agreement entered pursuant  
25 to paragraph (1);

1 (C) redirect funding within such program,  
2 to the extent necessary to achieve the param-  
3 eters established in the performance agreement  
4 entered pursuant to paragraph (1);

5 (D) develop such interim goals and mile-  
6 stones as may be required to achieve the pa-  
7 rameters established in the performance agree-  
8 ment entered pursuant to paragraph (1); and

9 (E) use program funds to recruit and hire  
10 such technical experts as may be required to  
11 carry out such program, if necessary expertise  
12 is not otherwise provided by the Department of  
13 Defense.

14 (d) QUALIFICATIONS, RESOURCES, AND TENURE.—  
15 The Secretary shall ensure that each program manager  
16 for the program execution period of a defense acquisition  
17 program—

18 (1) has the appropriate management, engineer-  
19 ing, technical, and financial expertise needed to meet  
20 the responsibilities assigned pursuant to subsection  
21 (c);

22 (2) is provided the resources and support (in-  
23 cluding systems engineering expertise, cost esti-  
24 mating expertise, and software development exper-  
25 tise) needed to meet such responsibilities; and

1           (3) is assigned to the program manager posi-  
2           tion for such program at the time of Milestone B ap-  
3           proval (or Key Decision Point B approval in the case  
4           of a space program) and continues in such position  
5           until the delivery of the first production units of  
6           such program.

7           (e) LIMITED WAIVER AUTHORITY.—The Secretary  
8           may waive the requirement in subsection (d)(3) that a pro-  
9           gram manager for the program execution period of a de-  
10          fense acquisition program serve in that position until the  
11          delivery of the first production units of such program upon  
12          submitting to the congressional defense committees a writ-  
13          ten determination that—

14                (1) such program is so complex, and the deliv-  
15                ery of the first production units will take so long,  
16                that it would not be feasible for a single individual  
17                to serve as program manager for the entire period  
18                covered by such subsection; and

19                (2) the complexity of such program, and length  
20                of time that will be required to deliver the first pro-  
21                duction units, are not the result of a failure to meet  
22                the certification requirements established in section  
23                2366a of title 10, United States Code.

1 **SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTIN-**  
2 **GENCY PROGRAM MANAGEMENT.**

3 (a) REQUIREMENT.—Not later than one year after  
4 the date of the enactment of this Act, the Secretary of  
5 Defense shall develop a plan for the Department of De-  
6 fense for contingency program management during com-  
7 bat operations and post-conflict operations.

8 (b) MATTERS TO BE COVERED.—The plan of the De-  
9 partment of Defense for contingency program manage-  
10 ment required by subsection (a) shall, at a minimum, pro-  
11 vide for—

12 (1) the designation of a senior executive service  
13 official on the Joint Staff with the responsibility for  
14 administering the plan;

15 (2) the assignment of a senior commissioned of-  
16 ficer of the Armed Forces with appropriate program  
17 management experience and qualifications to act as  
18 head of contingency program management during  
19 combat operations, post-conflict operations, and con-  
20 tingency operations, who shall report directly to the  
21 commander of the combatant command in whose  
22 area of responsibility the operations occur;

23 (3) a preplanned organizational structure for  
24 contingency program management that is designed  
25 to ensure that the Department is prepared to con-  
26 duct contingency program management during com-

1 bat operations and post-conflict operations, including  
 2 advance planning for—

3 (A) unified, agile program management  
 4 processes and procedures for an interagency  
 5 and coalition environment;

6 (B) standardized joint contract mecha-  
 7 nisms with clearly defined metrics;

8 (C) continuity of program and project  
 9 management;

10 (D) identification of a deployable cadre of  
 11 experts, trained in processes required under  
 12 paragraph (4);

13 (E) required information technology re-  
 14 sources and reliable, interoperable connections  
 15 and communications; and

16 (F) coordination of program management  
 17 operations with the activities of commanders in  
 18 the field;

19 (4) a requirement for the development of a  
 20 training program for contingency program manage-  
 21 ment, including—

22 (A) comprehension of program manage-  
 23 ment that focuses on cost, scope, schedule, suc-  
 24 cess metrics, project oversight, and resource  
 25 balancing;

1 (B) contracting options and rules;

2 (C) procedures for the Department on  
3 funding, accountability and component and  
4 partner responsibilities; and

5 (D) effective communications and rules for  
6 coordination with commanders in the field; and

7 (5) a requirement for identification of hiring  
8 and appointment authorities for rapid deployment of  
9 personnel under this section to ensure the avail-  
10 ability of key personnel for sufficient lengths of time  
11 to provide for continuing of program and project  
12 management.

13 (c) UTILIZATION IN PLAN FOR INTERAGENCY PRO-  
14 CEDURES FOR STABILIZATION AND RECONSTRUCTION OP-  
15 ERATIONS.—To the extent practicable, the elements of the  
16 plan of the Department of Defense for contingency pro-  
17 gram management required by subsection (a) shall be  
18 taken into account in the development of the plan for the  
19 establishment of interagency operating procedures for sta-  
20 bilization and reconstruction operations required by sec-  
21 tion 1222.

22 **SEC. 865. COMPTROLLER GENERAL REPORT.**

23 Not later than February 1, 2007, the Comptroller  
24 General of the United States shall submit to the congres-  
25 sional defense committees a report on the actions taken



1 by the Secretary of Defense to comply with the require-  
 2 ments of this subtitle. The report shall include a descrip-  
 3 tion of such actions and an assessment by the Comptroller  
 4 General of the effectiveness of such actions in meeting  
 5 such requirements.

## 6 **Subtitle E—Other Matters**

### 7 **SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT** 8 **CERTAIN PROTOTYPE PROJECTS.**

9 Section 845(a) of the National Defense Authorization  
 10 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is  
 11 amended—

12 (1) in paragraph (2)(A), by inserting “or, for a  
 13 defense agency, the director of the defense agency”  
 14 after “(41 U.S.C. 414(c))”; and

15 (2) in paragraph (3), by inserting “or director  
 16 of a defense agency” after “executive”.

### 17 **SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY** 18 **CONTRACT CLOSEOUT AUTHORITY.**

19 Section 804(d) of the National Defense Authorization  
 20 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 21 1542) is amended by striking “September 30, 2006” and  
 22 inserting “September 30, 2007”.

1 **SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF**  
 2 **CERTAIN LAWS TO CONTRACTING WITH EM-**  
 3 **PLOYERS OF PERSONS WITH DISABILITIES.**

4 Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W.  
 5 Reagan National Defense Authorization Act for Fiscal  
 6 Year 2005 (Public Law 108–375; 118 Stat. 2021), as  
 7 amended by section 848(a) of the National Defense Au-  
 8 thorization Act for Fiscal Year 2006 (Public Law 109–  
 9 163; 119 Stat. 3395), are each further amended by strik-  
 10 ing “2006” and inserting “2007”.

11 **SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-**  
 12 **PROTEGE AUTHORITY.**

13 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
 14 of Defense may carry out a pilot program to assess the  
 15 feasibility and advisability of treating small business con-  
 16 cerns described in subsection (b) as disadvantaged small  
 17 business concerns under the Mentor-Protege Program  
 18 under section 831 of the National Defense Authorization  
 19 Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

20 (b) COVERED SMALL BUSINESS CONCERNS.—The  
 21 small business concerns described in this subsection are  
 22 small business concerns that—

23 (1) are participants in the Small Business Inno-  
 24 vative Research Program of the Department of De-  
 25 fense established pursuant to section 9 of the Small  
 26 Business Act (15 U.S.C. 638); and

1           (2) as determined by the Secretary, are devel-  
 2       oping technologies that will assist in detecting or de-  
 3       feating Improvised Explosive Devices (IEDs) or  
 4       other critical force protection measures.

5       (c) TREATMENT AS DISADVANTAGED SMALL BUSI-  
 6       NESS CONCERNS.—

7           (1) IN GENERAL.—For purposes of the pilot  
 8       program, the Secretary may treat a small business  
 9       concern described in subsection (b) as a disadvan-  
 10      taged small business concern under the Mentor-Pro-  
 11      tege Program.

12          (2) MENTOR-PROTEGE AGREEMENT.—Any eligi-  
 13      ble business concerned approved for participation in  
 14      the Mentor-Protege Program as a mentor firm may  
 15      enter into a mentor-protege agreement and provide  
 16      assistance described in section 831 of the National  
 17      Defense Authorization Act for Fiscal Year 1991  
 18      with respect to a small business concern treated  
 19      under paragraph (1) as a disadvantaged small busi-  
 20      ness concern under the Mentor-Protege Program.

21      (d) FUNDING.—

22          (1) IN GENERAL.—Notwithstanding the limita-  
 23      tion in section 9(f)(2) of the Small Business Act (15  
 24      U.S.C. 638(f)(2)), funds for any reimbursement pro-  
 25      vided to a mentor firm under section 831(g) of the

1 National Defense Authorization Act for Fiscal Year  
2 1991 with respect to a small business concern de-  
3 scribed in subsection (b) under the pilot program  
4 shall be derived from funds available for the Small  
5 Business Innovative Research Program of the De-  
6 partment of Defense.

7 (2) LIMITATION.—The amount available under  
8 paragraph (1) for reimbursement described in that  
9 paragraph may not exceed the amount equal to one  
10 percent of the funds available for the Small Business  
11 Innovative Research Program.

12 (e) SUNSET.—

13 (1) AGREEMENTS.—No mentor-protege agree-  
14 ment may be entered into under the pilot program  
15 after September 30, 2010.

16 (2) OTHER MATTERS.—No reimbursement may  
17 be paid, and no credit toward the attainment of a  
18 subcontracting goal may be granted, under the pilot  
19 program after September 30, 2013.

20 (f) REPORT.—Not later than March 1, 2009, the Sec-  
21 retary shall submit to the appropriate committees of Con-  
22 gress a report on the pilot program. The report shall—

23 (1) describe the extent to which mentor-protege  
24 agreements have been entered under the pilot pro-  
25 gram; and

1 (2) describe and assess the technological bene-  
 2 fits arising under such agreements.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-  
 5 gress” means—

6 (A) the Committees on Armed Services,  
 7 Appropriations, and Small Business and Entre-  
 8 preneurship of the Senate; and

9 (B) the Committees on Armed Services  
 10 and Appropriations of the House of Representa-  
 11 tives.

12 (2) The term “small business concern” has the  
 13 meaning given that term in section 831(m)(1) of the  
 14 National Defense Authorization Act for Fiscal Year  
 15 1991.

16 **TITLE IX—DEPARTMENT OF DE-**  
 17 **FENSE ORGANIZATION AND**  
 18 **MANAGEMENT**

19 **Subtitle A—Duties and Functions**  
 20 **of Department of Defense Offi-**  
 21 **cers and Organizations**

22 **SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.**

23 (a) ESTABLISHMENT.—Chapter 104 of title 10,  
 24 United States Code, is amended by adding at the end the  
 25 following new section:

1   **“§ 2117. United States Military Cancer Institute**

2           “(a) ESTABLISHMENT.—The Secretary of Defense  
3 shall establish in the University the United States Military  
4 Cancer Institute. The Institute shall be established pursu-  
5 ant to regulations prescribed by the Secretary.

6           “(b) PURPOSES.—The purposes of the Institute are  
7 as follows:

8               “(1) To establish and maintain a clearinghouse  
9 of data on the incidence and prevalence of cancer  
10 among members and former members of the armed  
11 forces.

12               “(2) To conduct research that contributes to  
13 the detection or treatment of cancer among the  
14 members and former members of the armed forces.

15           “(c) HEAD OF INSTITUTE.—The Director of the  
16 United States Military Cancer Institute is the head of the  
17 Institute. The Director shall report to the President of the  
18 University regarding matters relating to the Institute.

19           “(d) ELEMENTS.—(1) The Institute is composed of  
20 clinical and basic scientists in the Department of Defense  
21 who have an expertise in research, patient care, and edu-  
22 cation relating to oncology and who meet applicable cri-  
23 teria for affiliation with the Institute.

24               “(2) The components of the Institute include military  
25 treatment and research facilities that meet applicable cri-  
26 teria and are designated as affiliates of the Institute.

1       “(e) RESEARCH.—(1) The Director of the United  
 2 States Military Cancer Institute shall carry out research  
 3 studies on the following:

4           “(A) The epidemiological features of cancer, in-  
 5 cluding assessments of the carcinogenic effect of ge-  
 6 netic and environmental factors, and of disparities in  
 7 health, inherent or common among populations of  
 8 various ethnic origins within the members of the  
 9 armed forces.

10          “(B) The prevention and early detection of can-  
 11 cer among members and former members of the  
 12 armed forces.

13          “(C) Basic, translational, and clinical investiga-  
 14 tion matters relating to the matters described in  
 15 subparagraphs (A) and (B).

16       “(2) The research studies under paragraph (1) shall  
 17 include complementary research on oncologic nursing.

18       “(f) COLLABORATIVE RESEARCH.—The Director of  
 19 the United States Military Cancer Institute shall carry out  
 20 the research studies under subsection (e) in collaboration  
 21 with other cancer research organizations and entities se-  
 22 lected by the Institute for purposes of the research studies.

23       “(g) ANNUAL REPORT.—(1) Not later than Novem-  
 24 ber 1 each year, the Director of the United States Military  
 25 Cancer Institute shall submit to the President of the Uni-

1 versity a report on the current status of the research stud-  
 2 ies being carried out by the Institute under subsection (e).

3 “(2) Not later than 60 days after receiving a report  
 4 under paragraph (1), the President of the University shall  
 5 transmit such report to the Secretary of Defense and to  
 6 Congress.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 at the beginning of chapter 104 of such title is amended  
 9 by adding at the end the following new item:

“2117. United States Military Cancer Institute.”.

10 **SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL**  
 11 **OPERATIONS WITHIN STAFF OF THE ASSIST-**  
 12 **ANT SECRETARY OF DEFENSE FOR SPECIAL**  
 13 **OPERATIONS AND LOW INTENSITY CONFLICT.**

14 (a) INCLUSION WITHIN STAFF.—The staff of the As-  
 15 sistant Secretary of Defense for Special Operations and  
 16 Low Intensity Conflict under section 138(b)(4) of title 10,  
 17 United States Code, shall include a senior acquisition ex-  
 18 ecutive for special operations.

19 (b) DUTIES.—The senior acquisition executive within  
 20 the staff of the Assistant Secretary of Defense for Special  
 21 Operations and Low Intensity Conflict under subsection  
 22 (a) shall conduct policy and management oversight of the  
 23 acquisition activities of the Special Operations Command  
 24 under section 167 of title 10, United States Code, and



1 shall have such other duties as the Assistant Secretary  
2 shall designate.

3 **SEC. 903. UNITED STATES MARINE BAND AND UNITED**  
4 **STATES MARINE DRUM AND BUGLE CORPS.**

5 (a) IN GENERAL.—Section 6222 of title 10, United  
6 States Code, is amended to read as follows:

7 **“§ 6222. United States Marine Band; United States**  
8 **Marine Drum and Bugle Corps: composi-**  
9 **tion; appointment and promotion of mem-**  
10 **bers**

11 “(a) UNITED STATES MARINE BAND.—The band of  
12 the Marine Corps shall be composed of one director, two  
13 assistant directors, and other personnel in such numbers  
14 and grades as the Secretary of the Navy determines to  
15 be necessary.

16 “(b) UNITED STATES MARINE DRUM AND BUGLE  
17 CORPS.—The drum and bugle corps of the Marine Corps  
18 shall be composed of one commanding officer and other  
19 personnel in such numbers and grades as the Secretary  
20 of the Navy determines to be necessary.

21 “(c) APPOINTMENT AND PROMOTION.—(1) The Sec-  
22 retary of the Navy shall prescribe regulations for the ap-  
23 pointment and promotion of members of the Marine Band  
24 and members of the Marine Drum and Bugle Corps.

1       “(2) The President may from time to time appoint  
2 members of the Marine Band and members of the Marine  
3 Drum and Bugle Corps to grades not above the grade of  
4 captain. The authority of the President to make appoint-  
5 ments under this paragraph may be delegated only to the  
6 Secretary of Defense.

7       “(3) The President, by and with the advice and con-  
8 sent of the Senate, may from time to time appoint any  
9 member of the Marine Band or of the Marine Drum and  
10 Bugle Corps to a grade above the grade of captain.

11       “(d) RETIREMENT.—Unless otherwise entitled to  
12 higher retired grade and retired pay, a member of the Ma-  
13 rine Band or Marine Drum and Bugle Corps who holds,  
14 or has held, an appointment under this section is entitled,  
15 when retired, to be retired in, and with retired pay based  
16 on, the highest grade held under this section in which the  
17 Secretary of the Navy determines that such member  
18 served satisfactorily.

19       “(e) REVOCATION OF APPOINTMENT.—The Secretary  
20 of the Navy may revoke any appointment of a member  
21 of the Marine Band or Marine Drum and Bugle Corps.  
22 When a member’s appointment to a commissioned grade  
23 terminates under this subsection, such member is entitled,  
24 at the option of such member—

1 “(1) to be discharged from the Marine Corps;

2 or

3 “(2) to revert to the grade and status such  
4 member held at the time of appointment under this  
5 section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 565 of such title is amended  
8 by striking the item relating to section 6222 and inserting  
9 the following new item:

“6222. United States Marine Band; United States Marine Drum and Bugle  
Corps: composition; appointment and promotion of mem-  
bers.”.

10 **SEC. 904. MILITARY DEPUTIES TO THE ASSISTANT SECRE-**  
11 **TARIES OF THE MILITARY DEPARTMENTS**  
12 **FOR ACQUISITION, LOGISTICS, AND TECH-**  
13 **NOLOGY MATTERS.**

14 (a) DEPARTMENT OF THE ARMY.—

15 (1) ESTABLISHMENT OF POSITION.—There is  
16 hereby established within the Department of the  
17 Army the position of Military Deputy to the Assist-  
18 ant Secretary of the Army for Acquisition, Logistics,  
19 and Technology.

20 (2) LIEUTENANT GENERAL.—The individual  
21 serving in the position of Military Deputy to the As-  
22 sistant Secretary of the Army for Acquisition, Logis-  
23 tics, and Technology shall be a lieutenant general of  
24 the Army on active duty.

1           (3) EXCLUSION FROM GRADE AND NUMBER  
 2           LIMITATIONS.—An officer serving in the position of  
 3           Military Deputy to the Assistant Secretary of the  
 4           Army for Acquisition, Logistics, and Technology  
 5           shall not be counted against the numbers and per-  
 6           centages of officers of the Army of the grade of lieu-  
 7           tenant general.

8           (b) DEPARTMENT OF THE NAVY.—

9           (1) ESTABLISHMENT OF POSITION.—There is  
 10          hereby established within the Department of the  
 11          Navy the position of Military Deputy to the Assist-  
 12          ant Secretary of the Navy for Research, Develop-  
 13          ment, and Acquisition.

14          (2) VICE ADMIRAL.—The individual serving in  
 15          the position of Military Deputy to the Assistant Sec-  
 16          retary of the Navy for Research, Development, and  
 17          Acquisition shall be a vice admiral on active duty.

18          (3) EXCLUSION FROM GRADE AND NUMBER  
 19          LIMITATIONS.—An officer serving in the position of  
 20          Military Deputy to the Assistant Secretary of the  
 21          Navy for Research, Development, and Acquisition  
 22          shall not be counted against the numbers and per-  
 23          centages of officers of the grade of vice admiral.

24          (c) DEPARTMENT OF THE AIR FORCE.—

1           (1) ESTABLISHMENT OF POSITION.—There is  
 2           hereby established within the Department of the Air  
 3           Force the position of Military Deputy to the Assist-  
 4           ant Secretary of the Air Force for Acquisition.

5           (2) LIEUTENANT GENERAL.—The individual  
 6           serving in the position of Military Deputy to the As-  
 7           sistant Secretary of the Air Force for Acquisition  
 8           shall be a lieutenant general of the Air Force on ac-  
 9           tive duty.

10          (3) EXCLUSION FROM GRADE AND NUMBER  
 11          LIMITATIONS.—An officer serving in the position of  
 12          Military Deputy to the Assistant Secretary of the  
 13          Air Force for Acquisition shall not be counted  
 14          against the numbers and percentages of officers of  
 15          the Air Force of the grade of lieutenant general.

## 16           **Subtitle B—Space Activities**

### 17   **SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPON-** 18           **SIVE SPACE CAPABILITIES.**

19          (a) FINDINGS.—Congress makes the following find-  
 20          ings:

21           (1) Access to and use of space is critical for  
 22           preserving peace and protecting the national secu-  
 23           rity, commercial, and civil interests of the United  
 24           States.

1           (2) Key priorities for the national security  
2           space activities of the United States include improv-  
3           ing the capacity to support military operations  
4           worldwide and responding to strategic military  
5           threats.

6           (3) To the maximum extent possible, space ca-  
7           pabilities should be integrated into the strategy, doc-  
8           trine, operations, and contingency plans of the  
9           Armed Forces of the United States.

10          (4) The commanders of the combatant com-  
11          mands should have access to responsive space capa-  
12          bilities that provide prompt, focused support in their  
13          theater of operations, which capabilities should com-  
14          pliment other national and Department of Defense  
15          space assets while providing direct and flexible sup-  
16          port to the warfighter on the battlefield.

17          (5) The United States Space Transportation  
18          Policy of January 6, 2005, calls for the demonstra-  
19          tion, before 2010, of an initial capability for oper-  
20          ationally responsive access to and use of space to  
21          support the national security requirements of the  
22          United States.

23          (b) POLICY.—It is the policy of the United States—

(1) to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support the warfighter from space; and

(2) that the capability described in paragraph (1) shall consist of—

(A) responsive satellite payloads;

(B) inexpensive space launch vehicles and range procedures that facilitate the timely launch of satellites;

(C) common technical standards for satellite busses; and

(D) a configuration of operations and command and control capabilities that permit the warfighter to exploit responsive space assets for combat operations.

(c) OPERATIONALLY RESPONSIVE SPACE HYBRID PROGRAM OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Hybrid Program Office (in this subsection referred to as the “Office”).

(2) ELEMENTS.—The Office shall consist of elements of the Department of Defense selected by the Secretary from among the science and technology,

1 acquisition, and operations elements of the Depart-  
2 ment having the capacity to contribute to the devel-  
3 opment of capabilities for operationally responsive  
4 space. Such elements shall be selected so as to  
5 achieve a balanced representation of the military de-  
6 partments in the Office in order to ensure proper ac-  
7 knowledgment of joint considerations in the activi-  
8 ties of the Office.

9 (3) ORGANIZATION OF ELEMENTS.—The ele-  
10 ments of the Office under paragraph (2) shall be or-  
11 ganized by the Secretary into divisions as follows:

12 (A) A science and technology division that  
13 shall pursue innovative approaches to the devel-  
14 opment of capabilities for operationally respon-  
15 sive space through basic and applied research  
16 focused on payloads, bus, and launch equip-  
17 ment.

18 (B) An acquisition division that shall un-  
19 dertake the acquisition of systems necessary to  
20 procure, integrate, sustain, and launch assets  
21 for operationally responsive space.

22 (C) An operations division that shall—

23 (i) sustain and maintain assets for  
24 operationally responsive space prior to  
25 launch;



1 (ii) integrate and launch such assets;

2 and

3 (iii) operate such assets in orbit.

4 (D) A combatant command support divi-  
5 sion that shall serve as the primary inter-  
6 mediary between the military departments and  
7 the combatant commands on operationally re-  
8 sponsive space, including the integration of as-  
9 sets for operationally responsive space into—

10 (i) the operations plans of the combat-  
11 ant commands;

12 (ii) the training and tactics proce-  
13 dures of the military departments; and

14 (iii) military exercises, demonstra-  
15 tions, and war games.

16 (3) ACCOUNTABILITY.—The head of the Office  
17 shall report to the Executive Agent for Space of the  
18 Department of Defense regarding the activities of  
19 Office under this subsection.

20 (4) ACQUISITION AUTHORITY.—The acquisition  
21 activities of the Office shall be subject to the fol-  
22 lowing:

23 (A) The Executive Agent for Space of the  
24 Department of Defense shall be the senior ac-  
25 quisition executive of the Office.

1 (B) The Joint Capabilities Integration and  
 2 Development System process shall not apply to  
 3 acquisitions by the Office.

4 (C) The commander of the United States  
 5 Strategic Command, or a designate of the com-  
 6 mander, shall—

7 (i) validate all system requirements  
 8 for systems to be acquired by the Office;  
 9 and

10 (ii) participate in the approval of any  
 11 acquisition program initiated by the Office.

12 (D) The unit procurement cost of a launch  
 13 vehicle procured by the Office may not exceed  
 14 \$20,000,000.

15 (E) The unit procurement cost of an inte-  
 16 grated satellite procured by the Office may not  
 17 exceed \$40,000,000.

18 (5) ADJUSTMENT OF UNIT PROCUREMENT COST  
 19 LIMITS.—The Executive Agent for Space shall ad-  
 20 just the amounts specified in subparagraphs (D) and  
 21 (E) of paragraph (4) to take into account the effects  
 22 of inflation. Such adjustment shall take place once  
 23 every five years.

24 (d) PLAN FOR OPERATIONALLY RESPONSIVE  
 25 SPACE.—

1           (1) PLAN REQUIRED.—Not later than 180 days  
2       after the date of the enactment of this Act, the Sec-  
3       retary of Defense shall submit to the congressional  
4       defense committees a report setting forth a plan for  
5       the acquisition by the Department of Defense of ca-  
6       pabilities for operationally responsive space to sup-  
7       port the warfighter.

8           (2) ELEMENTS.—The plan required by para-  
9       graph (1) shall include the following:

10           (A) An identification of the roles and mis-  
11       sions of each military department, Defense  
12       Agency, and other component or element of the  
13       Department of Defense for the fulfillment of  
14       the mission of the Department with respect to  
15       operationally responsive space.

16           (B) An identification of the capabilities re-  
17       quired by the Department to fulfill such mis-  
18       sion.

19           (C) A description of the chain of command  
20       and reporting structure of the Operationally  
21       Responsive Space Hybrid Program Office under  
22       subsection (c).

23           (D) The security classification level re-  
24       quired for the Office in order to ensure that the

1 Office carries out its responsibilities under sub-  
2 section (c) in a proper and efficient manner.

3 (E) A description of the acquisition policies  
4 and procedures applicable to the Office, includ-  
5 ing a description of any legislative or adminis-  
6 trative action necessary to provide the Office  
7 additional acquisition authority to carry out its  
8 responsibilities.

9 (F) A schedule for the implementation of  
10 the plan.

11 (G) The funding and personnel required to  
12 implement the plan over the course of the cur-  
13 rent future-years defense program under section  
14 221 of title 10, United States Code.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “operationally responsive space”  
17 means the development and launch of space assets  
18 upon demand in a low-cost manner.

19 (2) The term “procurement unit cost” has the  
20 meaning given that term in section 2432(a) of title  
21 10, United States Code.

1 **SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**  
2 **ON PROVISION OF SPACE SURVEILLANCE**  
3 **NETWORK SERVICES TO NON-UNITED STATES**  
4 **GOVERNMENT ENTITIES.**

5 Section 2274(i) of title 10, United States Code, is  
6 amended by striking “shall be conducted during the three-  
7 year period beginning on a date specified by the Secretary  
8 of Defense, which date shall be not later than 180 days  
9 after the date of the enactment of this section” and insert-  
10 ing “may be conducted through September 30, 2009”.

11 **SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DE-**  
12 **PARTMENT OF DEFENSE ORGANIZATION AND**  
13 **MANAGEMENT FOR NATIONAL SECURITY IN**  
14 **SPACE.**

15 (a) INDEPENDENT REVIEW AND ASSESSMENT RE-  
16 QUIRED.—

17 (1) IN GENERAL.—The Secretary of Defense  
18 shall provide for an independent review and assess-  
19 ment of the organization and management of the  
20 Department of Defense for national security in  
21 space.

22 (2) CONDUCT OF REVIEW.—The review and as-  
23 sessment shall be conducted by an appropriate entity  
24 outside the Department of Defense selected by the  
25 Secretary for purposes of this section.

1           (3) ELEMENTS.—The review and assessment  
2 shall address the following:

3           (A) The requirements of the Department  
4 of Defense for national security space capabili-  
5 ties, as identified by the Department, and the  
6 efforts of the Department to fulfill such re-  
7 quirements.

8           (B) The future space missions of the De-  
9 partment, and the plans of the Department to  
10 meet the future space missions.

11          (C) The actions that could be taken by the  
12 Department to modify the organization and  
13 management of the Department over the near-  
14 term, medium-term, and long-term in order to  
15 strengthen United States national security in  
16 space, and the ability of the Department to im-  
17 plement its requirements and carry out the fu-  
18 ture space missions, including the following:

19           (i) Actions to exploit existing and  
20 planned military space assets to provide  
21 support for United States military oper-  
22 ations.

23           (ii) Actions to improve or enhance  
24 current interagency coordination processes  
25 regarding the operation of national secu-

1           rity space assets, including improvements  
2           or enhancements in interoperability and  
3           communications.

4           (iii) Actions to improve or enhance the  
5           relationship between the intelligence as-  
6           pects of national security space (so-called  
7           “black space”) and the non-intelligence as-  
8           pects of national security space (so-called  
9           “white space”).

10          (iv) Actions to improve or enhance the  
11          manner in which military space issues are  
12          addressed by professional military edu-  
13          cation institutions.

14          (4) LIAISON.—The Secretary shall designate at  
15          least one senior civilian employee of the Department  
16          of Defense, and at least one general or flag officer  
17          of an Armed Force, to serve as liaison between the  
18          Department, the Armed Forces, and the entity con-  
19          ducting the review and assessment.

20          (b) REPORT.—

21               (1) IN GENERAL.—Not later than one year  
22          after the date of the enactment of this Act, the enti-  
23          ty conducting the review and assessment shall sub-  
24          mit to the Secretary and the congressional defense  
25          committees a report on the review and assessment.

1 (2) ELEMENTS.—The report shall include—

2 (A) the results of the review and assess-  
3 ment; and

4 (B) recommendations on the best means by  
5 which the Department may improve its organi-  
6 zation and management for national security in  
7 space.

8 **Subtitle C—Other Matters**

9 **SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UN-**  
10 **MANNED SYSTEMS.**

11 (a) POLICY REQUIRED.—The Secretary of Defense  
12 shall, in consultation with the Chairman of the Joint  
13 Chiefs of Staff, develop a policy applicable throughout the  
14 Department of Defense on research, development, test,  
15 and evaluation, procurement, and operation of unmanned  
16 systems.

17 (b) ELEMENTS.—The policy required by subsection  
18 (a) shall include the following:

19 (1) Mission requirements (including mission re-  
20 quirements for the military departments and joint  
21 mission requirements) for unmanned systems to re-  
22 place manned systems in the performance of routine  
23 or dangerous missions.



1           (2) A strategy and schedules for the replace-  
2           ment of manned systems with unmanned systems in  
3           the performance of such missions.

4           (3) Preference for joint unmanned systems in  
5           acquisition programs for new systems, including a  
6           requirement under any such program for the devel-  
7           opment of a manned system for a certification that  
8           an unmanned system is incapable of meeting pro-  
9           gram requirements.

10          (4) Joint development and procurement of un-  
11          manned systems and components.

12          (5) A strategy for the divestment of the mili-  
13          tary department unmanned systems unique to a par-  
14          ticular department with a preference for joint un-  
15          manned systems.

16          (6) Programs to address technical, operational,  
17          and production challenges, and gaps in capabilities,  
18          with respect to unmanned systems.

19          (7) An organizational structure for effective  
20          management, coordination, and budgeting for the  
21          development and procurement of unmanned systems,  
22          including an assessment of the feasibility and advis-  
23          ability of designating a single department or other  
24          element of the Department of Defense to act as ex-

1        executive agent for the Department on unmanned sys-  
2        tems.

3            (8) Requirements for the integration of un-  
4        manned and manned missions.

5            (9) Requirements in order to satisfy the goals  
6        for unmanned air and ground systems established in  
7        section 220 of the Floyd D. Spence National De-  
8        fense Authorization Act for Fiscal Year 2001 (as en-  
9        acted into law by Public Law 106–398; 114 Stat.  
10       1654A–38).

11        (c) REPORT.—Not later than 120 days after the date  
12       of the enactment of this Act, the Secretary shall submit  
13       to the congressional defense committees a report setting  
14       forth the policy required by subsection (a).

15       **SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY**  
16                                **UNDER SECRETARY OF DEFENSE FOR LOGIS-**  
17                                **TICS AND MATERIEL READINESS.**

18        (a) EXECUTIVE SCHEDULE LEVEL IV.—Section  
19       5315 of title 5, United States Code, is amended by insert-  
20       ing after the item relating to the Deputy Under Secretary  
21       of Defense for Personnel and Readiness the following new  
22       item:

23            “Deputy Under Secretary of Defense for Logis-  
24       tics and Materiel Readiness.”.

1 (b) CONFORMING AMENDMENT.—Section 5314 of  
 2 title 5, United States Code, is amended by striking the  
 3 item relating to the Deputy Under Secretary of Defense  
 4 for Logistics and Materiel Readiness.

5 (c) EFFECTIVE DATE.—The amendments made by  
 6 this section shall take effect on the date of the enactment  
 7 of this Act, and shall apply with respect to individuals ap-  
 8 pointed as Deputy Under Secretary of Defense for Logis-  
 9 tics and Materiel Readiness on or after that date.

10 **SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES**  
 11 **PROGRAM ON SHARING OF HEALTH CARE RE-**  
 12 **SOURCES BY THE DEPARTMENT OF DEFENSE**  
 13 **AND DEPARTMENT OF VETERANS AFFAIRS.**

14 Section 8111(d)(4) of title 38, United States Code,  
 15 is amended by striking “September 30, 2007” and insert-  
 16 ing “September 30, 2010”.

17 **SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPER-**  
 18 **ATIONAL TEST AND EVALUATION ON A PER-**  
 19 **MANENT BASIS.**

21 (a) FINDINGS.—The Senate makes the following  
 22 findings:

23 (1) Congress established the position of Direc-  
 24 tor of Operational Test and Evaluation of the De-  
 25 partment of Defense in 1983 to ensure the oper-

1        ational effectiveness and suitability of weapon sys-  
 2        tems in combat.

3            (2) The Director of Operational Test and Eval-  
 4        uation serves as the principal adviser to the Sec-  
 5        retary of Defense on operational test and evaluation  
 6        and is vital to ensuring the operational effectiveness  
 7        of weapon systems in combat.

8            (3) The position of Director of Operational Test  
 9        and Evaluation has been held on an acting basis  
 10       since February 15, 2005.

11        (b) SENSE OF SENATE.—It is the sense of the Senate  
 12       that the President should submit to the Senate the nomi-  
 13       nation of an individual for the position of Director of  
 14       Operational Test and Evaluation as soon as practicable.

15       **SEC. 925. INCLUSION OF HOMELAND DEFENSE AND CIVIL**  
 16                                **SUPPORT MISSIONS OF THE NATIONAL**  
 17                                **GUARD AND RESERVES IN THE QUADREN-**  
 18                                **NIAL DEFENSE REVIEW.**

19        Section 118(d) of title 10, United States Code, is  
 20       amended—

21            (1) by redesignating paragraph (15) as para-  
 22        graph (16); and

23            (2) by inserting after paragraph (14) the fol-  
 24        lowing new paragraph (15):

1           “(15) The homeland defense mission and civil  
 2           support missions of the active and reserve compo-  
 3           nents of the armed forces, including the organization  
 4           and capabilities required for the active and reserve  
 5           components to discharge each such mission.”.

6   **SEC. 926. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO**  
 7           **A FEE-FOR-USE-OF-SERVICE SYSTEM.**

8           No later than one year after the enactment of this  
 9   Act, the Secretary of Defense may not obligate or expend  
 10   any funds related to the Defense Travel System except  
 11   those funds obtained through a one-time, fixed price serv-  
 12   ice fee per Department of Defense customer utilizing the  
 13   system with an additional fixed fee for each transaction.

14   **SEC. 927. REPORT ON INCORPORATION OF ELEMENTS OF**  
 15           **THE RESERVE COMPONENTS INTO THE SPE-**  
 16           **CIAL FORCES.**

17           (a) FINDINGS.—The Senate makes the following  
 18   findings:

19           (1) The Quadrennial Defense Review rec-  
 20           ommends an increase in the size of the Special Oper-  
 21           ations Command and the Special Forces as a funda-  
 22           mental part of our efforts to fight the war on terror.

23           (2) The Special Forces play a crucial role in the  
 24           war on terror, and the expansion of their force

1 structure as outlined in the Quadrennial Defense  
2 Review should be fully funded.

3 (3) Expansion of the Special Forces should be  
4 consistent with the Total Force Policy.

5 (4) The Secretary of Defense should assess  
6 whether the establishment of additional reserve com-  
7 ponent Special Forces units and associated units is  
8 consistent with the Total Force Policy.

9 (5) Training areas in high-altitude and moun-  
10 tainous areas represent a national asset for pre-  
11 paring Special Forces units and personnel for duty  
12 in similar regions of Central Asia.

13 (b) REPORT ON INCORPORATION OF ELEMENTS INTO  
14 SPECIAL FORCES.—Not later than six months after the  
15 date of the enactment of this Act, the Secretary of Defense  
16 shall submit to the congressional defense committees a re-  
17 port to address whether units and capabilities should be  
18 incorporated into the reserve components of the Armed  
19 Forces as part of the expansion of the Special Forces as  
20 outlined in the Quadrennial Defense Review, and con-  
21 sistent with the Total Force Policy.

22 (c) REPORT ON SPECIAL FORCES TRAINING.—Not  
23 later than six months after the date of the enactment of  
24 this Act, the Secretary of Defense shall submit to the con-  
25 gressional defense committees a report on the effort taken

1 by the United States Special Operations Command to pro-  
 2 vide Special Forces training in high-altitude and moun-  
 3 tainous areas within the United States.

## 4 **Subtitle D—National Guard Bureau** 5 **Matters**

### 6 **SEC. 931. SHORT TITLE.**

7 This title may be cited as the “National Defense En-  
 8 hancement and National Guard Empowerment Act of  
 9 2006”.

### 10 **SEC. 932. EXPANDED AUTHORITY OF CHIEF OF THE NA-** 11 **TIONAL GUARD BUREAU AND EXPANDED** 12 **FUNCTIONS OF THE NATIONAL GUARD BU-** 13 **REAU.**

14 (a) EXPANDED AUTHORITY.—

15 (1) IN GENERAL.—Subsection (a) of section  
 16 10501 of title 10, United States Code, is amended  
 17 by striking “joint bureau of the Department of the  
 18 Army and the Department of the Air Force” and in-  
 19 serting “joint activity of the Department of De-  
 20 fense”.

21 (2) PURPOSE.—Subsection (b) of such section  
 22 is amended by striking “between” and all that fol-  
 23 lows and inserting “between—

24 “(1)(A) the Secretary of Defense, the Joint  
 25 Chiefs of Staff, and the commanders of the combat-

1 ant commands for the United States, and (B) the  
 2 Department of the Army and the Department of the  
 3 Air Force; and

4 “(2) the several States.”.

5 (b) ENHANCEMENTS OF POSITION OF CHIEF OF THE  
 6 NATIONAL GUARD BUREAU.—

7 (1) ADVISORY FUNCTION ON NATIONAL GUARD  
 8 MATTERS.—Subsection (c) of section 10502 of title  
 9 10, United States Code, is amended by inserting “to  
 10 the Secretary of Defense, to the Chairman of the  
 11 Joint Chiefs of Staff,” after “principal advisor”.

12 (2) GRADE.—Subsection (e) of such section, as  
 13 redesignated by paragraph (2)(A)(i) of this sub-  
 14 section, is further amended by striking “lieutenant  
 15 general” and inserting “general”.

16 (3) ANNUAL REPORT TO CONGRESS ON VALI-  
 17 DATED REQUIREMENTS.—Section 10504 of such  
 18 title is amended by adding at the end the following  
 19 new subsection:

20 “(c) ANNUAL REPORT ON VALIDATED REQUIRE-  
 21 MENTS.—Not later than December 31 each year, the Chief  
 22 of the National Guard Bureau shall submit to Congress  
 23 a report on the requirements validated under section  
 24 10503a(b)(1) of this title during the preceding fiscal  
 25 year.”.



1       (c) ENHANCEMENT OF FUNCTIONS OF NATIONAL  
2 GUARD BUREAU.—

3           (1) DEVELOPMENT OF CHARTER.—Section  
4 10503 of title 10, United States Code, is amended—

5           (A) in the matter preceding paragraph (1),  
6 by striking “The Secretary of the Army and the  
7 Secretary of the Air Force shall jointly develop”  
8 and inserting “The Secretary of Defense, in  
9 consultation with the Secretary of the Army  
10 and the Secretary of the Air Force, shall de-  
11 velop”; and

12           (B) in paragraph (12), by striking “the  
13 Secretaries” and inserting “the Secretary of  
14 Defense”.

15           (2) ADDITIONAL GENERAL FUNCTIONS.—Such  
16 section is further amended—

17           (A) by redesignating paragraph (12), as  
18 amended by paragraph (1)(B) of this sub-  
19 section, as paragraph (13); and

20           (B) by inserting after paragraph (11) the  
21 following new paragraph (12):

22           “(12) Facilitating and coordinating with other  
23 Federal agencies, and with the several States, the  
24 use of National Guard personnel and resources for  
25 and in contingency operations, military operations

1 other than war, natural disasters, support of civil  
2 authorities, and other circumstances.”.

3 (3) MILITARY ASSISTANCE FOR CIVIL AUTHORI-  
4 TIES.—Chapter 1011 of such title is further amend-  
5 ed by inserting after section 10503 the following  
6 new section:

7 **“§ 10503a. Functions of National Guard Bureau: mili-**  
8 **tary assistance to civil authorities**

9 “(a) IDENTIFICATION OF ADDITIONAL NECESSARY  
10 ASSISTANCE.—The Chief of the National Guard Bureau  
11 shall—

12 “(1) identify gaps between Federal and State  
13 capabilities to prepare for and respond to emer-  
14 gencies; and

15 “(2) make recommendations to the Secretary of  
16 Defense on programs and activities of the National  
17 Guard for military assistance to civil authorities to  
18 address such gaps.

19 “(b) SCOPE OF RESPONSIBILITIES.—In meeting the  
20 requirements of subsection (a), the Chief of the National  
21 Guard Bureau shall, in coordination with the Adjutant  
22 Generals of the States, have responsibilities as follows:

23 “(1) To validate the requirements of the several  
24 States and Territories with respect to military as-  
25 sistance to civil authorities.

1           “(2) To develop doctrine and training require-  
2           ments relating to the provision of military assistance  
3           to civil authorities.

4           “(3) To administer amounts provided the Na-  
5           tional Guard for the provision of military assistance  
6           to civil authorities.

7           “(4) To carry out any other responsibility relat-  
8           ing to the provision of military assistance to civil au-  
9           thorities as the Secretary of Defense shall specify.

10          “(c) ASSISTANCE.—The Chairman of the Joint  
11       Chiefs of Staff shall assist the Chief of the National Guard  
12       Bureau in carrying out activities under this section.

13          “(d) CONSULTATION.—The Chief of the National  
14       Guard Bureau shall carry out activities under this section  
15       in consultation with the Secretary of the Army and the  
16       Secretary of the Air Force.”.

17               (4) LIMITATION ON INCREASE IN PERSONNEL  
18       OF NATIONAL GUARD BUREAU.—The Secretary of  
19       Defense shall, to the extent practicable, ensure that  
20       no additional personnel are assigned to the National  
21       Guard Bureau in order to address administrative or  
22       other requirements arising out of the amendments  
23       made by this subsection.

24       (d) CONFORMING AND CLERICAL AMENDMENTS.—

1           (1) CONFORMING AMENDMENT.—The heading  
 2           of section 10503 of such title is amended to read as  
 3           follows:

4   **“§ 10503. Functions of National Guard Bureau: char-**  
 5           **ter”.**

6           (2) CLERICAL AMENDMENT.—The table of sec-  
 7           tions at the beginning of chapter 1011 of such title  
 8           is amended by striking the item relating to section  
 9           10503 and inserting the following new items:

“10503. Functions of National Guard Bureau: charter.

“10503a. Functions of National Guard Bureau: military assistance to civil au-  
 thorities.”.

10 **SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COM-**  
 11 **MANDER OF THE UNITED STATES NORTHERN**  
 12 **COMMAND BE FILLED BY A QUALIFIED NA-**  
 13 **TIONAL GUARD OFFICER.**

14       (a) IN GENERAL.—The position of Deputy Com-  
 15 mander of the United States Northern Command shall be  
 16 filled by a qualified officer of the National Guard who is  
 17 eligible for promotion to the grade of lieutenant general.

18       (b) PURPOSE.—The purpose of the requirement in  
 19 subsection (a) is to ensure that information received from  
 20 the National Guard Bureau regarding the operation of the  
 21 National Guard of the several States is integrated into the  
 22 plans and operations of the United States Northern Com-  
 23 mand.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

5 (1) **AUTHORITY.**—Upon determination by the  
6 Secretary of Defense that such action is necessary in  
7 the national interest, the Secretary may transfer  
8 amounts of authorizations made available to the De-  
9 partment of Defense in this division for fiscal year  
10 2007 between any such authorizations for that fiscal  
11 year (or any subdivisions thereof). Amounts of au-  
12 thorizations so transferred shall be merged with and  
13 be available for the same purposes as the authoriza-  
14 tion to which transferred.

15 (2) **AGGREGATE LIMITATION.**—The total  
16 amount of authorizations that the Secretary may  
17 transfer under the authority of this section may not  
18 exceed \$4,000,000,000.

19 (b) **LIMITATIONS.**—The authority provided by this  
20 section to transfer authorizations—

21 (1) may only be used to provide authority for  
22 items that have a higher priority than the items  
23 from which authority is transferred; and

1           (2) may not be used to provide authority for an  
 2           item that has been denied authorization by Con-  
 3           gress.

4           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
 5           transfer made from one account to another under the au-  
 6           thority of this section shall be deemed to increase the  
 7           amount authorized for the account to which the amount  
 8           is transferred by an amount equal to the amount trans-  
 9           ferred.

10          (d) NOTICE TO CONGRESS.—The Secretary shall  
 11          promptly notify Congress of each transfer made under  
 12          subsection (a).

13   **SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY**  
 14                           **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**  
 15                           **CAL YEAR 2006.**

16          (a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON  
 17          TERROR.—Amounts authorized to be appropriated to the  
 18          Department of Defense for fiscal year 2006 in the Na-  
 19          tional Defense Authorization Act for Fiscal Year 2006  
 20          (Public Law 109–163) are hereby adjusted, with respect  
 21          to any such authorized amount, by the amount by which  
 22          appropriations pursuant to such authorization are in-  
 23          creased by a supplemental appropriation, or decreased by  
 24          a rescission, or both, or are increased by a transfer of  
 25          funds, pursuant to title I of the Emergency Supplemental

1 Appropriations Act for Defense, the Global War on Ter-  
2 ror, and Hurricane Recovery, 2006 (Public Law 109–  
3 234).

4 (b) HURRICANE DISASTER RELIEF AND RECOV-  
5 ERY.—Amounts authorized to be appropriated to the De-  
6 partment of Defense for fiscal year 2006 in the National  
7 Defense Authorization Act for Fiscal Year 2006 are here-  
8 by adjusted, with respect to any such authorized amount,  
9 by the amount by which appropriations pursuant to such  
10 authorization are increased by a supplemental appropria-  
11 tion, or decreased by a rescission, or both, or are increased  
12 by a transfer of funds, pursuant to title II of the Emer-  
13 gency Supplemental Appropriations Act for Defense, the  
14 Global War on Terror, and Hurricane Recovery, 2006.

15 (c) BORDER SECURITY.—Amounts authorized to be  
16 appropriated to the Department of Defense for fiscal year  
17 2006 in the National Defense Authorization Act for Fiscal  
18 Year 2006 are hereby adjusted, with respect to any such  
19 authorized amount, by the amount by which appropria-  
20 tions pursuant to such authorization are increased by a  
21 supplemental appropriation, or decreased by a rescission,  
22 or both, or are increased by a transfer of funds, pursuant  
23 to title V of the Emergency Supplemental Appropriations  
24 Act for Defense, the Global War on Terror, and Hurricane  
25 Recovery, 2006.

1 **SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**  
2 **TO SAVINGS RELATING TO LOWER INFLA-**  
3 **TION.**

4 (a) REDUCTION.—The aggregate amount authorized  
5 to be appropriated by titles I, II, and III is the amount  
6 equal to the sum of all the amounts authorized to be ap-  
7 propriated by such titles reduced by \$951,469,000.

8 (b) SOURCE OF SAVINGS.—Reductions required in  
9 order to comply with subsection (a) shall be derived from  
10 savings resulting from lower-than-expected inflation as a  
11 result of a review of the inflation assumptions used in the  
12 preparation of the budget of the President for fiscal year  
13 2007, as submitted to Congress pursuant to section 1005  
14 of title 31, United States Code.

15 (c) ALLOCATION OF REDUCTION.—The Secretary of  
16 Defense shall allocate the reduction required by subsection  
17 (a) among the amounts authorized to be appropriated for  
18 accounts in titles I, II, and III to reflect the extent to  
19 which net savings from lower-than-expected inflation are  
20 allocable to amounts authorized to be appropriated to such  
21 accounts.

22 **SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL**  
23 **TRANSFER AUTHORITY.**

24 Section 1001(a)(2) of the National Defense Author-  
25 ization Act for Fiscal Year 2006 (Public Law 109–163;



1 119 Stat. 3418) is amended by striking “\$3,500,000,000”  
 2 and inserting “\$5,000,000,000”.

3 **SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COM-**  
 4 **MON-FUNDED BUDGETS IN FISCAL YEAR 2007.**

5 (a) FISCAL YEAR 2007 LIMITATION.—The total  
 6 amount contributed by the Secretary of Defense in fiscal  
 7 year 2007 for the common-funded budgets of NATO may  
 8 be any amount up to, but not in excess of, the amount  
 9 specified in subsection (b) (rather than the maximum  
 10 amount that would otherwise be applicable to those con-  
 11 tributions under the fiscal year 1998 baseline limitation).

12 (b) TOTAL AMOUNT.—The amount of the limitation  
 13 applicable under subsection (a) is the sum of the following:

14 (1) The amounts of unexpended balances, as of  
 15 the end of fiscal year 2006, of funds appropriated  
 16 for fiscal years before fiscal year 2007 for payments  
 17 for those budgets.

18 (2) The amount specified in subsection (c)(1).

19 (3) The amount specified in subsection (c)(2).

20 (4) The total amount of the contributions au-  
 21 thorized to be made under section 2501.

22 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
 23 be appropriated by titles II and III of this Act are avail-  
 24 able for contributions for the common-funded budgets of  
 25 NATO as follows:

1           (1) Of the amount provided in section 201(1),  
2       \$797,000 for the Civil Budget.

3           (2) Of the amount provided in section 301(1),  
4       \$310,277,000 for the Military Budget.

5       (d) DEFINITIONS.—For purposes of this section:

6           (1) COMMON-FUNDED BUDGETS OF NATO.—  
7       The term “common-funded budgets of NATO”  
8       means the Military Budget, the Security Investment  
9       Program, and the Civil Budget of the North Atlantic  
10      Treaty Organization (and any successor or addi-  
11      tional account or program of NATO).

12          (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
13      The term “fiscal year 1998 baseline limitation”  
14      means the maximum annual amount of Department  
15      of Defense contributions for common-funded budgets  
16      of NATO that is set forth as the annual limitation  
17      in section 3(2)(C)(ii) of the resolution of the Senate  
18      giving the advice and consent of the Senate to the  
19      ratification of the Protocols to the North Atlantic  
20      Treaty of 1949 on the Accession of Poland, Hun-  
21      gary, and the Czech Republic (as defined in section  
22      4(7) of that resolution), approved by the Senate on  
23      April 30, 1998.

1 **SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/**  
 2 **CBO REPORT ON SCORING OF OUTLAYS.**

3 Section 226(a) of title 10, United States Code, is  
 4 amended by striking “January 15 of each year” and in-  
 5 serting “April 1 of each year”.

6 **SEC. 1007. PROHIBITION ON PARKING OF FUNDS.**

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—Chapter 165 of title 10,  
 9 United States Code, is amended by inserting after  
 10 section 2773a the following new section:

11 **“§ 2773b. Parking of funds: prohibition; penalties**

12 “(a) PROHIBITION.—An officer or employee of the  
 13 Department of Defense may not direct the designation of  
 14 funds for a particular purpose in the budget of the Presi-  
 15 dent, as submitted to Congress pursuant to section 1105  
 16 of title 31, or the supporting documents of the Depart-  
 17 ment of Defense component of such budget, with the  
 18 knowledge or intent that such funds, if made available to  
 19 the Department, will not be used for the purpose for which  
 20 they are designated.

21 “(b) PENALTIES.—The direction of the designation  
 22 of funds in violation of the prohibition in subsection (a)  
 23 shall be treated for purposes of chapter 13 of title 31 as  
 24 a violation of section 1341(a)(1)(A) of title 31.”.

25 (2) CLERICAL AMENDMENT.—The table of sec-  
 26 tions at the beginning of chapter 165 of such title

1 is amended by inserting after the item relating to  
 2 section 2773a the following new item:

“2773b. Parking of funds: prohibition; penalties.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by  
 5 subsection (a) shall take effect on the date that is  
 6 31 days after the date of the enactment of this Act.

7 (2) MODIFICATION OF CERTAIN POLICIES AND  
 8 REGULATIONS.—Not later than 30 days after the  
 9 date of the enactment of this Act, the Secretary of  
 10 Defense shall modify the policies and regulations of  
 11 the Department of Defense regarding the prepara-  
 12 tion and submittal to Congress of budget materials  
 13 for the Department of Defense to take into account  
 14 the provisions of section 2773b of title 10, United  
 15 States Code (as added by subsection (a)).

16 **SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.**

17 (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
 18 Annex prepared by the Committee on Armed Services of  
 19 the Senate to accompany S. 2766 of the 109th Congress  
 20 and transmitted to the President is hereby incorporated  
 21 into this Act.

22 (b) CONSTRUCTION WITH OTHER PROVISIONS OF  
 23 ACT.—The amounts specified in the Classified Annex are  
 24 not in addition to amounts authorized to be appropriated  
 25 by other provisions of this Act.

1       (c) LIMITATION ON USE OF FUNDS.—Funds appro-  
2       priated pursuant to an authorization contained in this Act  
3       that are made available for a program, project, or activity  
4       referred to in the Classified Annex may only be expended  
5       for such program, project, or activity in accordance with  
6       such terms, conditions, limitations, restrictions, and re-  
7       quirements as are set out for such program, project, or  
8       activity in the Classified Annex.

9       (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The  
10      President shall provide for appropriate distribution of the  
11      Classified Annex, or of appropriate portions of the annex,  
12      within the executive branch of the Government.

13      **SEC. 1009. REPORTS TO CONGRESS AND NOTICE TO PUBLIC**  
14                                      **ON EARMARKS IN FUNDS AVAILABLE TO THE**  
15                                      **DEPARTMENT OF DEFENSE.**

16      (a) ANNUAL REPORT AND NOTICE REQUIRED.—The  
17      Secretary of Defense shall submit to Congress, and post  
18      on the Internet website of the Department of Defense  
19      available to the public, each year information as follows:

20              (1) A description of each earmark of funds  
21              made available to the Department of Defense for the  
22              previous fiscal year, including the location (by city,  
23              State, country, and congressional district if relevant)  
24              in which the earmarked funds are to be utilized, the

1 purpose of such earmark (if known), and the recipi-  
2 ent of such earmark.

3 (2) The total cost of administering each such  
4 earmark including the amount of such earmark,  
5 staff time, administrative expenses, and other costs.

6 (3) The total cost of administering all such ear-  
7 marks.

8 (4) An assessment of the utility of each such  
9 earmark in meeting the goals of the Department, set  
10 forth using a rating system as follows:

11 (A) A for an earmark that directly ad-  
12 vances the primary goals of the Department or  
13 an agency, element, or component of the De-  
14 partment.

15 (B) B for an earmark that advances many  
16 of the primary goals of the Department or an  
17 agency, element, or component of the Depart-  
18 ment.

19 (C) C for an earmark that may advance  
20 some of the primary goals of the Department or  
21 an agency, element, or component of the De-  
22 partment.

23 (D) D for an earmark that cannot be dem-  
24 onstrated as being cost-effective in advancing  
25 the primary goals of the Department or any

1           agency, element, or component of the Depart-  
2           ment.

3           (E) F for an earmark that distracts from  
4           or otherwise impedes that capacity of the De-  
5           partment to meet the primary goals of the De-  
6           partment.

7           (b) EARMARK DEFINED.—In this section, the term  
8           “earmark” means a provision of law, or a directive con-  
9           tained within a joint explanatory statement or report ac-  
10          companying a conference report or bill (as applicable),  
11          that specifies the identity of an entity, program, project,  
12          or service, including a defense system, to receive assist-  
13          ance not requested by the President and the amount of  
14          the assistance to be so received.

## 15                   **Subtitle B—Naval Vessels**

### 16   **SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPER-** 17                   **ATIONAL AIRCRAFT CARRIERS WITHIN THE** 18                   **NAVY.**

19          Section 5062 of title 10, United States Code, is  
20          amended—

21               (1) by striking subsection (b); and

22               (2) by redesignating subsections (c) and (d) as  
23          subsections (b) and (c), respectively.

1 **SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO**  
 2 **FOREIGN NATIONS BY VESSEL CLASS.**

3 Section 7307(a) of title 10, United States Code, is  
 4 amended by inserting “or vessel of that class” after “that  
 5 vessel”.

6 **SEC. 1013. NAMING OF CVN-78 AIRCRAFT CARRIER AS THE**  
 7 **U.S.S. GERALD FORD.**

8 (a) FINDINGS.—Congress makes the following find-  
 9 ings:

10 (1) Gerald R. Ford has served his country with  
 11 honor and distinction for the past 64 years, and con-  
 12 tinues to serve.

13 (2) Gerald R. Ford joined the United States  
 14 Naval Reserve in 1942 and served valiantly at sea  
 15 on the U.S.S. Monterey (CVL-26) during World  
 16 War II, taking part in major operations in the Pa-  
 17 cific, including at Makin Island, Kwajalein, Truk,  
 18 Saipan, and the Philippine Sea.

19 (3) The U.S.S. Monterey earned 10 battle  
 20 stars, awarded for participation in battle, while Ger-  
 21 ald R. Ford served on the vessel.

22 (4) Gerald R. Ford was first elected to the  
 23 House of Representatives in 1948.

24 (5) In the course of 25 years of service in the  
 25 House of Representatives, Gerald R. Ford distin-



1       guished himself by his exemplary record for char-  
2       acter, decency, and trustworthiness.

3           (6) Throughout his service in Congress, Gerald  
4       R. Ford was an ardent proponent of strong national  
5       defense and international leadership by the United  
6       States.

7           (7) From 1965 to 1973, Gerald R. Ford served  
8       as minority leader of the House of Representatives,  
9       raising the standard for bipartisanship in his tireless  
10      fight for freedom, hope, and justice.

11          (8) In 1973, Gerald R. Ford was appointed by  
12      President Nixon to the office of Vice President of  
13      the United States with the overwhelming support of  
14      Congress.

15          (9) From 1974 to 1976, Gerald R. Ford served  
16      as the 38th President of the United States, taking  
17      office during one of the most challenging periods in  
18      the history of the United States and restoring the  
19      faith of the people of the United States in the office  
20      of the President through his steady leadership, cour-  
21      age, and ultimate integrity.

22          (10) President Gerald R. Ford helped restore  
23      the prestige of the United States in the world com-  
24      munity by working to achieve peace in the Middle

1 East, preserve détente with the Soviet Union, and  
2 set new limits on the spread of nuclear weapons.

3 (11) President Gerald R. Ford served as Com-  
4 mander in Chief of the Armed Forces of the United  
5 States with great dignity, supporting a strong Navy  
6 and a global military presence for the United State  
7 and honoring the men and women of the Armed  
8 Forces of the United States.

9 (12) Since leaving the office of President, Ger-  
10 ald R. Ford has been an international ambassador  
11 of American goodwill, a noted scholar and lecturer,  
12 a strong supporter of human rights, and a promoter  
13 of higher education.

14 (13) Gerald R. Ford was awarded the Medal of  
15 Freedom and the Congressional Gold Medal in 1999  
16 in recognition of his contribution to the Nation.

17 (14) As President, Gerald R. Ford bore the  
18 weight of a constitutional crisis and guided the Na-  
19 tion on a path of healing and restored hope, earning  
20 forever the enduring respect and gratitude of the  
21 Nation.

22 (b) NAMING OF CVN-78 AIRCRAFT CARRIER.—  
23 CVN-78, a nuclear powered aircraft carrier of the Navy,  
24 shall be named the U.S.S. Gerald Ford.

1 **SEC. 1014. AUTHORITY TO DONATE SS ARTHUR M.**  
2 **HUDDELL TO THE GOVERNMENT OF GREECE.**

3 (a) FINDINGS.—Congress makes the following find-  
4 ings:

5 (1) It is in the economic and environmental in-  
6 terests of the United States to promote the disposal  
7 of vessels in the National Defense Reserve Fleet that  
8 are of insufficient value to warrant further preserva-  
9 tion.

10 (2) The Maritime Administration of the De-  
11 partment of Transportation has been authorized to  
12 make such disposals, including the sale and recycling  
13 of such vessels and the donation of such vessels to  
14 any State, commonwealth, or possession of the  
15 United States, and to nonprofit organizations.

16 (3) The government of Greece has expressed an  
17 interest in obtaining and using the ex-Liberty ship,  
18 SS ARTHUR M. HUDDELL, for purposes of a  
19 museum exhibit.

20 (4) It is in the interest of the United States to  
21 authorize the Maritime Administration to donate SS  
22 ARTHUR M. HUDDELL to Greece.

23 (b) DONATION OF SS ARTHUR M. HUDDELL TO  
24 GOVERNMENT OF GREECE.—Notwithstanding Section  
25 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C.  
26 1158), the Secretary of Transportation is authorized to

1 transfer SS ARTHUR M. HUDDALL, by gift, to the  
 2 Government of Greece, in accordance with terms and con-  
 3 ditions determined by the Secretary.

4 (c) ADDITIONAL EQUIPMENT.—The Secretary may  
 5 convey additional equipment from other obsolete vessels  
 6 of the National Defense Reserve Fleet to assist the Gov-  
 7 ernment of Greece under this section for purposes of the  
 8 museum exhibit referred to in subsection (a)(3).

## 9 **Subtitle C—Counterdrug Matters**

### 10 **SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR** 11 **UNIFIED COUNTERDRUG AND** 12 **COUNTERTERRORISM CAMPAIGN IN COLOM-** 13 **BIA.**

14 Section 1021 of the Ronald W. Reagan National De-  
 15 fense Authorization Act for Fiscal Year 2005 (Public Law  
 16 108–375; 118 Stat. 2042) is amended—

17 (1) in subsection (a)(1), by striking “2005 and  
 18 2006” and inserting “2005 through 2008”; and

19 (2) in subsection (c), by striking “2005 and  
 20 2006” and inserting “2005 through 2008”.

1 **SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF**  
 2 **DEFENSE TO PROVIDE ADDITIONAL SUPPORT**  
 3 **FOR COUNTERDRUG ACTIVITIES OF OTHER**  
 4 **GOVERNMENTAL AGENCIES.**

5 Section 1004(a) of the National Defense Authoriza-  
 6 tion Act for Fiscal Year 1991 (10 U.S.C. 374 note) is  
 7 amended by striking “through 2006” and inserting  
 8 “through 2011”.

9 **SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AU-**  
 10 **THORITIES TO PROVIDE ADDITIONAL SUP-**  
 11 **PORT FOR COUNTERDRUG ACTIVITIES.**

12 (a) CONCURRENCE OF SECRETARY OF STATE IN  
 13 PROVISION OF SUPPORT.—Paragraph (1) of subsection  
 14 (a) of section 1033 of the National Defense Authorization  
 15 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
 16 1881), as amended by section 1021 of the National De-  
 17 fense Authorization Act for Fiscal Year 2004 (Public Law  
 18 108–136; 117 Stat. 1593), is further amended by striking  
 19 “shall consult with” and inserting “shall seek the concur-  
 20 rence of”.

21 (b) EXTENSION OF AUTHORITY.—Paragraph (2) of  
 22 such subsection is amended by striking “September 30,  
 23 2006” and inserting “September 30, 2008”.

24 (c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-  
 25 CEIVE SUPPORT.—Subsection (b) of such section 1033, as

1 so amended, is further amended by adding at the end the  
 2 following new paragraphs:

3 “(10) The Government of Azerbaijan.

4 “(11) The Government of Kazakhstan.

5 “(12) The Government of Kyrgyzstan.

6 “(13) The Government of Armenia.

7 “(14) The Government of Niger.

8 “(15) The Government of Mauritania.

9 “(16) The Government of Mali.

10 “(17) The Government of Chad.

11 “(18) The Government of Indonesia.

12 “(19) The Government of Philippines.

13 “(20) The Government of Thailand.

14 “(21) The Government of Malaysia.

15 “(22) The Government of Guatemala.

16 “(23) The Government of Belize.

17 “(24) The Government of Panama.”.

18 (d) TYPES OF SUPPORT.—Subsection (c)(2) of such  
 19 section 1033, as so amended, is further amended by in-  
 20 serting “, vehicles, and, subject to section 484(a) of the  
 21 Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), air-  
 22 craft, and detection, interception, monitoring, and testing  
 23 equipment” after “patrol boats”.

1 (e) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Sub-  
 2 section (e)(2) of such section 1033, as so amended, is fur-  
 3 ther amended—

4 (1) by striking “or \$40,000,000” and inserting  
 5 “\$40,000,000”; and

6 (2) by inserting before the period at the end the  
 7 following: “, or \$80,000,000 during any of the fiscal  
 8 years 2007 through 2008”.

9 (f) ANNUAL REPORT ON SUPPORT PROVIDED TO AD-  
 10 DITIONAL GOVERNMENTS.—Such section 1033 is further  
 11 amended by adding at the end the following new sub-  
 12 section:

13 “(i) ANNUAL REPORT ON SUPPORT PROVIDED TO  
 14 CERTAIN GOVERNMENTS.—Not later than November 30  
 15 each year through 2008, the Secretary of Defense shall  
 16 submit to the congressional defense committees and the  
 17 Committee on Foreign Relations of the Senate and the  
 18 Committee on International Relations of the House of  
 19 Representatives a comprehensive report on the support  
 20 provided under this section during the preceding fiscal  
 21 year to each government referred to in paragraphs (1)  
 22 through (24) of subsection (b).”.

23 **SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.**

24 (a) FINDINGS.—Congress makes the following find-  
 25 ings:

1           (1) In 1982 the United States Government cre-  
2           ated Operation Bahamas, Turks & Caicos (OPBAT)  
3           to counter the smuggling of cocaine into the United  
4           States.

5           (2) According to the Drug Enforcement Agen-  
6           cy, an estimated 80 percent of the cocaine entering  
7           the United States in the 1980s came through the  
8           Bahamas, whereas, according to the Office of Na-  
9           tional Drug Control Policy, only an estimated 10  
10          percent comes through the Bahamas today.

11          (3) According to the Drug Enforcement Agen-  
12          cy, more than 80,000 kilograms of cocaine and near-  
13          ly 700,000 pounds of marijuana have been seized in  
14          Operation Bahamas, Turks & Caicos since 1986,  
15          with a combined street value of approximately two  
16          trillion dollars.

17          (4) The Army has provided military airlift to  
18          law enforcement officials under Operation Bahamas,  
19          Turks & Caicos to create an effective, reliable, and  
20          immediate response capability for drug interdiction.  
21          This support is largely responsible for the decline in  
22          cocaine shipments to the United States through the  
23          Bahamas.

24          (5) The Bahamas is an island nation composed  
25          of approximately 700 islands and keys, which makes



1       aviation assets the best and most efficient method of  
2       transporting law enforcement agents and inter-  
3       dicting smugglers.

4           (6) It is in the interests of the United States  
5       to maintain the results of the successful Operation  
6       Bahamas, Turks & Caicos program and prevent  
7       drug smugglers from rebuilding their operations  
8       through the Bahamas.

9       (b) REPORT ON UNITED STATES GOVERNMENT SUP-  
10     PORT FOR OPBAT.—

11           (1) REPORT ON DECISION TO WITHDRAW.—Not  
12       later than 30 days before implementing a decision to  
13       withdraw Department of Defense helicopters from  
14       Operation Bahamas, Turks & Caicos, the Secretary  
15       of Defense shall submit to the Congress a report  
16       outlining the plan for the coordination of the Oper-  
17       ation Bahamas, Turks & Caicos mission, at the  
18       same level of effectiveness, using other United States  
19       Government assets.

20           (2) CONSULTATION.—The Secretary of Defense  
21       shall consult with the Secretary of State, the Attor-  
22       ney General, and the Secretary of Homeland Secu-  
23       rity, and with other appropriate officials of the  
24       United States Government, in preparing the report  
25       under paragraph (1).

1           (3) ELEMENTS.—The report under paragraph  
2           (1) on the withdrawal of equipment referred to in  
3           that paragraph shall include the following:

4                   (A) An explanation of the military jus-  
5                   tification for the withdrawal of the equipment.

6                   (B) An assessment of the availability of  
7                   other options (including other Government heli-  
8                   copters) to provide the capability being provided  
9                   by the equipment to be withdrawn.

10                  (C) An explanation of how each option  
11                  specified under subparagraph (B) will provide  
12                  the capability currently provided by the equip-  
13                  ment to be withdrawn.

14                  (D) An assessment of the potential use of  
15                  unmanned aerial vehicles in Operation Baha-  
16                  mas, Turks & Caicos, including the capabilities  
17                  of such vehicles and any advantages or dis-  
18                  advantages associated with the use of such vehi-  
19                  cles in that operation, and a recommendation  
20                  on whether or not to deploy such vehicles in  
21                  that operation.

1     **Subtitle D—Defense Intelligence**  
 2                     **and Related Matters**

3     **SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO EN-**  
 4                     **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**  
 5                     **RITY FOR INTELLIGENCE COLLECTION AC-**  
 6                     **TIVITIES.**

7         Section 431(a) of title 10, United States Code, is  
 8     amended by striking “December 31, 2006” and inserting  
 9     “December 31, 2008”.

10    **SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT**  
 11                     **ACTIVITIES OF THE DEPARTMENT OF DE-**  
 12                     **FENSE.**

13         (a) ANNUAL REPORT REQUIRED.—Not later than  
 14     March 1, 2007, and annually thereafter, the Secretary of  
 15     Defense shall submit to the congressional defense commit-  
 16     tees and the congressional intelligence committees a report  
 17     on the intelligence oversight activities of the Department  
 18     of Defense during the previous calendar year.

19         (b) ELEMENTS.—Each report under subsection (a)  
 20     shall include, for the calendar year covered by such report,  
 21     the following:

22             (1) A description of any questionable intel-  
 23     ligence activity that came to the attention of any  
 24     General Counsel or Inspector General within the De-  
 25     partment of Defense, or the Under Secretary of De-

1 fense for Intelligence, and a description of the ac-  
 2 tions taken by such official with respect to such ac-  
 3 tivity.

4 (2) A description of the results of intelligence  
 5 oversight inspections undertaken by each of the fol-  
 6 lowing:

7 (A) The Office of the Secretary of Defense.

8 (B) Each military department.

9 (C) Each combat support agency.

10 (D) Each field operating agency.

11 (3) A description of any changes made in—

12 (A) any program for the intelligence over-  
 13 sight activities of the Department of Defense,  
 14 including any training program; or

15 (B) any published directive or policy  
 16 memoranda on the intelligence or intelligence-  
 17 related activities of—

18 (i) any military department;

19 (ii) any combat support agency; or

20 (iii) any field operating agency.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “combat support agency” has the  
 23 meaning given that term in section 193(f) of title  
 24 10, United States Code.

1           (2) The term “congressional intelligence com-  
2       mittees” has the meaning given that term in section  
3       3(7) of the National Security Act of 1947 (50  
4       U.S.C. 401a(7)).

5           (3) The term “field operating agency” means a  
6       specialized subdivision of the Department of Defense  
7       that carries out activities under the operational con-  
8       trol of the Department.

9           (4) The term “intelligence oversight activities of  
10      the Department of Defense” refers to any activity  
11      undertaken by an agency, element, or component of  
12      the Department of Defense to ensure compliance  
13      with regard to requirements or instructions on the  
14      intelligence and intelligence-related activities of the  
15      Department under law or any Executive order or  
16      Presidential directive (including Executive Order No.  
17      12333).

18          (5) The term “questionable intelligence activ-  
19      ity” means an intelligence or intelligence-related ac-  
20      tivity of the Department of Defense that may violate  
21      the law or any Executive order or Presidential direc-  
22      tive (including Executive Order No. 12333).

1 **SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVIL-**  
2 **IAN LINGUIST RESERVE CORPS.**

3 (a) TRANSFER OF ADMINISTRATION TO SECRETARY  
4 OF DEFENSE.—

5 (1) IN GENERAL.—Administration of the pilot  
6 project on the establishment of a Civilian Linguist  
7 Reserve Corps required by section 613 of the Intel-  
8 ligence Authorization Act for Fiscal Year 2005  
9 (Public Law 108–487; 118 Stat. 3959; 50 U.S.C.  
10 403–1b note) is hereby transferred from the Direc-  
11 tor of National Intelligence to the Secretary of De-  
12 fense.

13 (2) CONFORMING AMENDMENTS.—Section 613  
14 of the Intelligence Authorization Act for Fiscal Year  
15 2005 is amended—

16 (A) by striking “Director of National Intel-  
17 ligence” each place it appears and inserting  
18 “Secretary of Defense”; and

19 (B) by striking “Director” each place it  
20 appears and inserting “Secretary”.

21 (b) DISCHARGE OF PROJECT.—Subsection (a) of  
22 such section is further amended by adding at the end the  
23 following new sentence: “The Secretary shall carry out the  
24 pilot project through the National Security Education  
25 Program.”.

1       (c) REPEAL OF SPECIFICATION OF DURATION OF  
2 PROJECT.—Such section is further amended—

3           (1) by striking subsection (c); and

4           (2) by redesignating subsections (d) and (e) as  
5 subsections (c) and (d), respectively.

6       (d) MODIFICATION OF REPORT REQUIREMENTS.—

7 Subsection (d) of such section, as redesignated by sub-  
8 section (b) of this section, is further amended—

9           (1) in paragraph (1), by striking “an initial and  
10 a final report” and inserting “a report”;

11           (2) in paragraph (2), by striking “Each report”  
12 and inserting “The report”; and

13           (3) in paragraph (3), by striking “final report”  
14 and inserting “report required under paragraph  
15 (1)”.

16       (e) REPEAL OF SUPERSEDED AUTHORIZATION.—

17 Such section is further amended by striking subsection (f).

18 **SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NA-**

19 **TIONAL SECURITY EDUCATION PROGRAM.**

20       (a) EXPANSION OF EMPLOYMENT CREDITABLE

21 UNDER SERVICE AGREEMENTS.—Paragraph (2) of sub-

22 section (b) of section 802 of the David L. Boren National

23 Security Education Act of 1991 (50 U.S.C. 1902) is

24 amended to read as follows:

1           “(2)(A) will (in accordance with regulations  
2           prescribed by the Secretary of Defense in coordina-  
3           tion with the heads of the other Federal depart-  
4           ments and agencies concerned) begin work not later  
5           than three years after the recipient’s completion of  
6           degree study during which scholarship assistance  
7           was provided under the program—

8           “(i) for not less than one year in a position  
9           certified by the Secretary of Defense, in coordi-  
10          nation with the Director of National Intel-  
11          ligence, the Secretary of Homeland Security,  
12          and the Secretary of State (as appropriate), as  
13          contributing to the national security of the  
14          United States in the Department of Defense,  
15          any element of the intelligence community, the  
16          Department of Homeland Security, or the De-  
17          partment of State;

18          “(ii) for not less than one year in a posi-  
19          tion in a Federal agency or office that is identi-  
20          fied by the Secretary of Defense under sub-  
21          section (g) as having national security respon-  
22          sibilities if the recipient demonstrates to the  
23          Secretary that no position is available in the de-  
24          partments and agencies covered by clause (i); or



1           “(iii) for not less than one academic year  
 2           in a position in the field of education in a dis-  
 3           cipline related to the study supported by the  
 4           program if the recipient demonstrates to the  
 5           Secretary of Defense that no position is avail-  
 6           able in the departments, agencies, and offices  
 7           covered by clauses (i) and (ii); or

8           “(B) will (in accordance with such regulations)  
 9           begin work not later than two years after the recipi-  
 10          ent’s completion or termination of study for which  
 11          fellowship assistance was provided under the  
 12          program—

13           “(i) for not less than one year in a position  
 14           certified by the Secretary of Defense, in coordi-  
 15           nation with the Director of National Intel-  
 16           ligence, the Secretary of Homeland Security,  
 17           and the Secretary of State (as appropriate), as  
 18           contributing to the national security of the  
 19           United States in the Department of Defense,  
 20           any element of the intelligence community, the  
 21           Department of Homeland Security, or the De-  
 22           partment of State;

23           “(ii) for not less than one year in a posi-  
 24           tion in a Federal agency or office that is identi-  
 25           fied by the Secretary of Defense under sub-

1 section (g) as having national security respon-  
 2 sibilities if the recipient demonstrates to the  
 3 Secretary that no position is available in the de-  
 4 partments and agencies covered by clause (i); or  
 5 “(iii) for not less than one academic year  
 6 in a position in the field of education in a dis-  
 7 cipline related to the study supported by the  
 8 program if the recipient demonstrates to the  
 9 Secretary of Defense that no position is avail-  
 10 able in the departments, agencies, and offices  
 11 covered by clauses (i) and (ii); and”.

12 (b) TEMPORARY EMPLOYMENT AND RETENTION OF  
 13 CERTAIN PARTICIPANTS.—Such section is further  
 14 amended—

15 (1) by redesignating subsections (h) and (i) as  
 16 subsections (i) and (j), respectively; and

17 (2) by inserting after subsection (g) the fol-  
 18 lowing new subsection (h):

19 “(h) TEMPORARY EMPLOYMENT AND RETENTION OF  
 20 CERTAIN PARTICIPANTS.—

21 “(1) IN GENERAL.—The Secretary of Defense  
 22 may—

23 “(A) appoint or retain a person provided  
 24 scholarship or fellowship assistance under the  
 25 program in a position in the Department of De-

fense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree—

“(i) there is no appropriate permanent position for the person under subsection (b)(2)(A); and

“(ii) there is an active and ongoing effort to identify and assign the person to an appropriate permanent position as soon as possible; and

“(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

“(2) TREATMENT OF CERTAIN SERVICE.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be

1       treated as a period of service for purposes of satis-  
 2       fying the obligated service requirements of the per-  
 3       son under the service agreement of the person under  
 4       subsection (b).”.

5       (c) PLAN FOR IMPROVING PROGRAM.—Not later than  
 6       90 days after the date of the enactment of this Act, the  
 7       Secretary of Defense shall submit to Congress a plan for  
 8       improving the recruitment, placement, and retention with-  
 9       in the Department of Defense of individuals who receive  
 10      scholarships or fellowships under the David L. Boren Na-  
 11      tional Security Education Act of 1991 (50 U.S.C. 1901  
 12      et seq.) in order to facilitate the purposes of that Act in  
 13      meeting the requirements of the Department in acquiring  
 14      individuals with critical foreign language skills and indi-  
 15      viduals who are regional experts.

16   **SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY**  
 17                   **OF SERVICE CHARGES FOR CERTIFICATION**  
 18                   **OR VALIDATION OF INFORMATION ASSUR-**  
 19                   **ANCE PRODUCTS.**

20       The National Security Agency Act of 1959 (50  
 21      U.S.C. 402 note) is amended by adding at the end the  
 22      following new section:

23       “SEC. 20.(a) The Director may collect charges for  
 24      evaluating, certifying, or validating information assurance

1 products under the National Information Assurance Pro-  
2 gram or successor program.

3 “(b) The charges collected under subsection (a) shall  
4 be established through a public rulemaking process in ac-  
5 cordance with Office of Management and Budget Circular  
6 No. A-25.

7 “(c) Charges collected under subsection (a) shall not  
8 exceed the direct costs of the program referred to in that  
9 subsection.

10 “(d) The appropriation or fund bearing the cost of  
11 the service for which charges are collected under the pro-  
12 gram referred to in subsection (a) may be reimbursed, or  
13 the Director may require advance payment subject to such  
14 adjustment on completion of the work as may be agreed  
15 upon.

16 “(e) Amounts collected under this section shall be  
17 credited to the account or accounts from which costs asso-  
18 ciated with such amounts have been or will be incurred,  
19 to reimburse or offset the direct costs of the program re-  
20 ferred to in subsection (a).”.

21 **SEC. 1036. FUNDING FOR A CERTAIN MILITARY INTEL-**  
22 **LIGENCE PROGRAM.**

23 (a) INCREASE IN AMOUNT FOR RESEARCH, DEVEL-  
24 OPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—  
25 The amount authorized to be appropriated by section

1 201(4) for research, development, test, and evaluation for  
 2 Defense-wide activities is hereby increased by  
 3 \$450,000,000.

4 (b) OFFSET.—The amount authorized to be appro-  
 5 priated by section 201(3) for research, development, test,  
 6 and evaluation for the Air Force is hereby decreased by  
 7 \$450,000,000, with the amount of the reduction to be allo-  
 8 cated to amounts available for a classified program as de-  
 9 scribed on page 34 of Volume VII (Compartmented  
 10 Annex) of the Fiscal Year 2007 Military Intelligence Pro-  
 11 gram justification book.

12 **Subtitle E—Defense Against Ter-**  
 13 **rorism and Related Security**  
 14 **Matters**

15 **SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONE-**  
 16 **TARY REWARDS FOR ASSISTANCE IN COM-**  
 17 **BATING TERRORISM.**

18 Section 127b(c) of title 10, United States Code, is  
 19 amended—

20 (1) in paragraph (1)(B), by inserting “, or to  
 21 a subcommander of a combatant command des-  
 22 ignated by the commander of the combatant com-  
 23 mand and approved by an Under Secretary of De-  
 24 fense to whom such authority is delegated under

1       subparagraph (A),” after “combatant command”;  
 2       and  
 3               (2) in paragraph (2), by striking “\$2,500” and  
 4       inserting “\$10,000”.

5   **SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC**  
 6               **EMERGENCIES.**

7       (a) USE OF THE ARMED FORCES AUTHORIZED.—

8               (1) IN GENERAL.—Section 333 of title 10,  
 9       United States Code, is amended to read as follows:  
 10   **“§ 333. Major public emergencies; interference with**  
 11               **State and Federal law**

12       “(a) USE OF ARMED FORCES IN MAJOR PUBLIC  
 13   EMERGENCIES.—(1) The President may employ the  
 14   armed forces, including the National Guard in Federal  
 15   service, to—

16               “(A) restore public order and enforce the laws  
 17       of the United States when, as a result of a natural  
 18       disaster, epidemic, or other serious public health  
 19       emergency, terrorist attack or incident, or other con-  
 20       dition in any State or possession of the United  
 21       States, the President determines that—

22               “(i) domestic violence has occurred to such  
 23       an extent that the constituted authorities of the  
 24       State or possession are incapable of maintain-  
 25       ing public order; and

1           “(ii) such violence results in a condition  
2           described in paragraph (2); or

3           “(B) suppress, in a State, any insurrection, do-  
4           mestic violence, unlawful combination, or conspiracy  
5           if such insurrection, violation, combination, or con-  
6           spiracy results in a condition described in paragraph  
7           (2).

8           “(2) A condition described in this paragraph is a con-  
9           dition that—

10           “(A) so hinders the execution of the laws of a  
11           State or possession, as applicable, and of the United  
12           States within that State or possession, that any part  
13           or class of its people is deprived of a right, privilege,  
14           immunity, or protection named in the Constitution  
15           and secured by law, and the constituted authorities  
16           of that State or possession are unable, fail, or refuse  
17           to protect that right, privilege, or immunity, or to  
18           give that protection; or

19           “(B) opposes or obstructs the execution of the  
20           laws of the United States or impedes the course of  
21           justice under those laws.

22           “(3) In any situation covered by paragraph (1)(B),  
23           the State shall be considered to have denied the equal pro-  
24           tection of the laws secured by the Constitution.



1       “(b) NOTICE TO CONGRESS.—The President shall  
 2       notify Congress of the determination to exercise the au-  
 3       thority in subsection (a)(1)(A) as soon as practicable after  
 4       the determination and every 14 days thereafter during the  
 5       duration of the exercise of the authority.”.

6               (2) PROCLAMATION TO DISPERSE.—Section 334  
 7       of such title is amended by inserting “or those ob-  
 8       structing the enforcement of the laws” after “insur-  
 9       gents”.

10              (3) HEADING AMENDMENT.—The heading of  
 11       such 15 of such title is amended to read as follows:

12       **“CHAPTER 15—ENFORCEMENT OF THE**  
 13       **LAWS TO RESTORE PUBLIC ORDER”.**

14              (4) CLERICAL AMENDMENTS.—(A) The table of  
 15       chapters at the beginning of subtitle A of title 10,  
 16       United States Code, and at the beginning of part I  
 17       of such subtitle, are each amended by striking the  
 18       item relating to chapter 15 and inserting the fol-  
 19       lowing new item:

**“15. Enforcement of the Laws To Restore Public Order .... 331”.**

20              (B) The table of sections at the beginning of  
 21       chapter 15 of such title is amended by striking the  
 22       item relating to sections 333 and inserting the fol-  
 23       lowing new item:

      “333. Major public emergencies; interference with State and Federal law.”.

1 (b) PROVISION OF SUPPLIES, SERVICES, AND EQUIP-  
2 MENT.—

3 (1) IN GENERAL.—Chapter 152 of such title is  
4 amended by adding at the end the following new sec-  
5 tion:

6 **“§ 2567. Provision of supplies, services, and equip-**  
7 **ment in major public emergencies**

8 “(a) PROVISION AUTHORIZED.—In any situation in  
9 which the President determines to exercise the authority  
10 in section 333(a)(1)(A) of this title, the President may  
11 direct the Secretary of Defense to provide supplies, serv-  
12 ices, and equipment to persons affected by the situation.

13 “(b) COVERED SUPPLIES, SERVICES, AND EQUIP-  
14 MENT.—The supplies, services, and equipment provided  
15 under this section may include food, water, utilities, bed-  
16 ding, transportation, tentage, search and rescue, medical  
17 care, minor repairs, the removal of debris, and other as-  
18 sistance necessary for the immediate preservation of life  
19 and property.

20 “(c) LIMITATIONS.—(1) Supplies, services, and  
21 equipment may be provided under this section—

22 “(A) only to the extent that the constituted au-  
23 thorities of the State or possession concerned are  
24 unable to provide such supplies, services, and equip-  
25 ment, as the case may be; and

1           “(B) only until such authorities, or other de-  
 2           partments or agencies of the United States charged  
 3           with the provision of such supplies, services, and  
 4           equipment, are able to provide such supplies, serv-  
 5           ices, and equipment.

6           “(2) The Secretary may provide supplies, services,  
 7           and equipment under this section only to the extent that  
 8           the Secretary determines that doing so will not interfere  
 9           with military preparedness or ongoing military operations  
 10          or functions.

11          “(d) INAPPLICABILITY OF CERTAIN AUTHORITIES.—  
 12          The provision of supplies, services, or equipment under  
 13          this section shall not be subject to the provisions of section  
 14          403(c) of the Robert T. Stafford Disaster Relief and  
 15          Emergency Assistance Act (42 U.S.C. 5170b(c)).”.

16               (2) CLERICAL AMENDMENT.—The table of sec-  
 17          tions at the beginning of such chapter is amended  
 18          by adding at the end the following new item:

“2567. Provision of supplies, services, and equipment in major public emer-  
 gencies.”.

19          (c) CONFORMING AMENDMENTS.—Section 12304(c)  
 20          of such title is amended—

21               (1) by striking paragraph (1); and

22               (2) by redesignating paragraphs (2) and (3) as  
 23          paragraphs (1) and (2), respectively.

1 **SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMA-**  
2 **TION ACT OF CERTAIN CONFIDENTIAL IN-**  
3 **FORMATION SHARED WITH STATE AND**  
4 **LOCAL PERSONNEL.**

5 Confidential business information and other sensitive  
6 but unclassified homeland security information in the pos-  
7 session of the Department of Defense that is shared, pur-  
8 suant to section 892 of the Homeland Security Act of  
9 2002 (6 U.S.C. 482), with State and local personnel in-  
10 volved in the prevention, interdiction, or disruption of, or  
11 response to, terrorist activity shall not be subject to dislo-  
12 sure under section 552 of title 5, United States Code  
13 (commonly referred to as the “Freedom of Information  
14 Act”), by virtue of the sharing of such information with  
15 such personnel.

16 **SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR**  
17 **SECURING THE SOUTHERN LAND BORDER OF**  
18 **THE UNITED STATES.**

19 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—(1) With  
20 the approval of the Secretary of Defense, the Governor  
21 of a State may order any units or personnel of the Na-  
22 tional Guard of such State to annual training duty under  
23 section 502(a) of title 32, United States Code, to carry  
24 out in any State along the southern land border of the  
25 United States the activities authorized in subsection (b)

1 for the purpose of securing such border. Such duty shall  
2 not exceed 21 days in any year.

3 (2) With the approval of the Secretary of Defense,  
4 the Governor of a State may order any units or personnel  
5 of the National Guard of such State to perform duty  
6 under section 502(f) of title 32, United States Code, to  
7 provide command, control, and continuity of support for  
8 units and personnel performing annual training duty  
9 under paragraph (1).

10 (b) AUTHORIZED ACTIVITIES.—The activities author-  
11 ized by this subsection are the following:

12 (1) Ground surveillance activities.

13 (2) Airborne surveillance activities.

14 (3) Logistical support.

15 (4) Provision of translation services and train-  
16 ing.

17 (5) Provision of administrative support services.

18 (6) Provision of technical training services.

19 (7) Provision of emergency medical assistance  
20 and services.

21 (8) Provision of communications services.

22 (9) Rescue of aliens in peril.

23 (10) Construction of roadways, patrol roads,  
24 fences, barriers, and other facilities to secure the  
25 southern land border of the United States.

1           (11) Ground and air transportation.

2           (c) COOPERATIVE AGREEMENTS.—Units and per-  
3   sonnel of the National Guard of a State may perform ac-  
4   tivities in another State under subsection (a) only pursu-  
5   ant to the terms of an emergency management assistance  
6   compact or other cooperative arrangement entered into be-  
7   tween the Governors of such States for purposes of this  
8   section, and only with the approval of the Secretary of  
9   Defense.

10          (d) COORDINATION OF ASSISTANCE.—The Secretary  
11   of Homeland Security shall, in consultation with the Sec-  
12   retary of Defense and the Governors of the States con-  
13   cerned, coordinate the performance of activities under this  
14   section by units and personnel of the National Guard.

15          (e) ANNUAL TRAINING.—Annual training duty per-  
16   formed by members of the National Guard under this sec-  
17   tion shall be appropriate for the units and individual mem-  
18   bers concerned, taking into account the types of units and  
19   military occupational specialties of individual members  
20   performing such duty.

21          (f) PROHIBITION ON DIRECT PARTICIPATION IN LAW  
22   ENFORCEMENT.—Activities carried out under this section  
23   shall not include the direct participation of a member of  
24   the National Guard in a search, seizure, arrest, or similar  
25   activity.

1 (g) DURATION OF AUTHORITY.—The authority of  
2 this section shall expire on January 1, 2009.

3 (h) DEFINITIONS.—In this section:

4 (1) The term “Governor of a State” means, in  
5 the case of the District of Columbia, the Com-  
6 manding General of the National Guard of the Dis-  
7 trict of Columbia.

8 (2) The term “State” means each of the several  
9 States and the District of Columbia, the Common-  
10 wealth of Puerto Rico, Guam, and the Virgin Is-  
11 lands.

12 (3) The term “State along the southern land  
13 border of the United States” means each of the fol-  
14 lowing:

15 (A) The State of Arizona.

16 (B) The State of California.

17 (C) The State of New Mexico.

18 (D) The State of Texas.

1 **Subtitle F—Miscellaneous Authori-**  
 2 **ties on Availability and Use of**  
 3 **Funds**

4 **SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSE-**  
 5 **MENT FROM NON-FEDERAL SOURCES TO DE-**  
 6 **FRAY DEPARTMENT OF DEFENSE COSTS OF**  
 7 **CONFERENCES.**

8 (a) IN GENERAL.—Subchapter II of chapter 134 of  
 9 title 10, United States Code, is amended by adding at the  
 10 end the following new section:

11 **“§ 2262. Department of Defense conferences: collec-**  
 12 **tion of fees to cover Department of De-**  
 13 **fense costs**

14 “(a) IN GENERAL.—(1) The Secretary of Defense  
 15 may, whether directly or by contract, collect fees from any  
 16 individual or commercial participant in a conference, sem-  
 17 inar, exhibition, symposium, or similar meeting (in this  
 18 section referred to collectively as a ‘conference’) conducted  
 19 by the Department of Defense.

20 “(2) Fees may be collected with respect to a con-  
 21 ference under this subsection in advance of the conference.

22 “(3) The total amount of fees collected under this  
 23 subsection with respect to a conference may not exceed  
 24 the costs of the Department of Defense with respect to  
 25 the conference.



1       “(b) TREATMENT OF COLLECTIONS.—(1) Amounts  
2 collected under subsection (a) with respect to a conference  
3 shall be credited to the appropriation or account from  
4 which the costs of the conference are paid.

5       “(2) In the event the total amount of fees collected  
6 with respect to a conference exceeds the costs of the De-  
7 partment with respect to the conference, the amount of  
8 such excess shall be deposited into the Treasury as mis-  
9 cellaneous receipts.

10       “(3) Amounts credited to an appropriation or account  
11 under paragraph (1) with respect to a conference shall be  
12 available to pay the costs of the Department with respect  
13 to the conference or to reimburse the Department for costs  
14 incurred with respect to the conference.

15       “(c) ANNUAL REPORTS.—(1) Each year, not later  
16 than 45 days after the President submits to Congress the  
17 budget for a fiscal year under section 1105 of title 31,  
18 the Secretary shall submit to the congressional defense  
19 committees budget justification documents summarizing  
20 the use of the authority under this section.

21       “(2) Each report under this subsection shall include  
22 the following:

23               “(A) A list of conferences during the last two  
24 calendar years for which fees were collected under  
25 subsection (a).

1           “(B) For each conference listed under subpara-  
2       graph (A)—

3           “(i) The estimated costs of the Depart-  
4       ment for such conference.

5           “(ii) The actual costs of the Department  
6       for such conference, including a separate state-  
7       ment of the amount of any conference coordi-  
8       nator fees associated with such conference.

9           “(iii) The amount for collected under sub-  
10      section (a) for such conference.

11          “(C) An estimate of the number of conferences  
12      to be conducted in the calendar year of such report  
13      for which the Department will collect fees under sub-  
14      section (a).”.

15      (b) CLERICAL AMENDMENT.—The table of sections  
16      at the beginning of subchapter II of chapter 134 of such  
17      title is amended by adding at the end the following new  
18      item:

“2262. Department of Defense conferences: collection of fees to cover Depart-  
ment of Defense costs.”.

19      **SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR**  
20                                   **AIRLIFT FROM CARRIERS PARTICIPATING IN**  
21                                   **THE CIVIL RESERVE AIR FLEET.**

22      (a) IN GENERAL.—Chapter 931 of title 10, United  
23      States Code, is amended by adding at the end the fol-  
24      lowing new section:

1 **“§ 9515. Airlift services: minimum annual purchase**  
2 **amount for carriers participating in Civil**  
3 **Reserve Air Fleet**

4 “(a) IN GENERAL.—The Secretary of Defense may  
5 award to air carriers participating in the Civil Reserve Air  
6 Fleet on a fiscal year basis a one-year contract for airlift  
7 services with a minimum purchase amount determined in  
8 accordance with this section.

9 “(b) MINIMUM PURCHASE AMOUNT.—(1) The aggre-  
10 gate amount of the minimum purchase amount for all con-  
11 tracts awarded under subsection (a) for a fiscal year shall  
12 be based on forecast needs, but may not exceed the  
13 amount equal to 80 percent of the annual average expendi-  
14 ture of the Department of Defense for airlift during the  
15 five-fiscal year period ending in the fiscal year before the  
16 fiscal year for which such contracts are awarded.

17 “(2) In calculating the annual average expenditure  
18 of the Department of Defense for airlift for purposes of  
19 paragraph (1), the Secretary of Defense may omit from  
20 the calculation any fiscal year exhibiting unusually high  
21 demand for airlift if the Secretary determines that the  
22 omission of such fiscal year from the calculation will result  
23 in a more accurate forecast of anticipated airlift for pur-  
24 poses of that paragraph.

25 “(3) The aggregate amount of the minimum purchase  
26 amount for all contracts awarded under subsection (a) for

1 a fiscal year, as determined under paragraph (1), shall  
2 be allocated among all carriers awarded contracts under  
3 that subsection for such fiscal year in proportion to the  
4 commitments of such carriers to the Civil Reserve Air  
5 Fleet for such fiscal year.

6 “(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT  
7 FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In de-  
8 termining the minimum purchase amount payable under  
9 a contract under subsection (a) for airlift provided by a  
10 carrier during the fiscal year covered by such contract,  
11 the Secretary of Defense may adjust the amount allocated  
12 to the carrier under subsection (b)(3) to take into account  
13 periods during such fiscal year when services of the carrier  
14 are unavailable for usage by the Department of Defense,  
15 including during periods of refused business or suspended  
16 operations or when the carrier is placed in nonuse status  
17 pursuant to section 2640 of this title for safety issues.

18 “(d) DISTRIBUTION OF AMOUNTS.—If any amount  
19 available under this section for the minimum purchase of  
20 airlift from a carrier for a fiscal year under a contract  
21 under subsection (a) is not utilized to purchase airlift from  
22 the carrier in such fiscal year, such amount shall be pro-  
23 vided to the carrier prior to the first day of the following  
24 fiscal year.

1       “(e) TRANSFER OF FUNDS.—At the beginning of  
2 each fiscal year, the Secretary of each military department  
3 shall transfer to the transportation working capital fund  
4 a percentage of the total amount anticipated to be re-  
5 quired in such fiscal year for payment of minimum pur-  
6 chase amounts under all contracts awarded under sub-  
7 section (a) for such fiscal year equivalent to the percent-  
8 age of the anticipated use of airlift by such military de-  
9 partment during such fiscal year from all carriers under  
10 contracts awarded under subsection (a) for such fiscal  
11 year.

12       “(f) AVAILABILITY OF AIRLIFT.—(1) From the total  
13 amount of airlift available for a fiscal year under all con-  
14 tracts awarded under subsection (a) for such fiscal year,  
15 a military department shall be entitled to obtain a percent-  
16 age of such airlift equivalent to the percentage of the con-  
17 tribution of the military department to the transportation  
18 working capital fund for such fiscal year under subsection  
19 (e).

20       “(2) A military department may transfer any entitle-  
21 ment to airlift under paragraph (1) to any other military  
22 department or to any other agency, element, or component  
23 of the Department of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 931 of such title is amended  
 3 by adding at the end the following new item:

“9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.”.

4 **SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR**  
 5 **JOINT STAFF EXERCISES.**

6 (a) IN GENERAL.—Amounts available to the Chair-  
 7 man of the Joint Chiefs of Staff for joint staff exercises  
 8 may be available for any expenses as follows:

9 (1) Expenses of the Armed Forces in connec-  
 10 tion with such exercises, including expense relating  
 11 to self-deploying watercraft under the jurisdiction of  
 12 a military department.

13 (2) Expenses relating to the costs of port sup-  
 14 port activities in connection with such exercises, in-  
 15 cluding transportation and port handling.

16 (3) Expenses relating to the breakout and oper-  
 17 ation of prepositioned watercraft and lighterage for  
 18 joint logistics and over the shore exercises in connec-  
 19 tion with such exercises.

20 (b) SUPPLEMENT NOT SUPPLANT.—Any amounts  
 21 made available by the Chairman of the Joint Chiefs of  
 22 Staff under subsection (a) for expenses covered by that  
 23 subsection are in addition to any other amounts available  
 24 under law for such expenses.

1 **SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GEN-**  
 2 **ERAL FOR IRAQ RECONSTRUCTION.**

3 For purposes of discharging the duties of the Special  
 4 Inspector General for Iraq Reconstruction under sub-  
 5 section (f) of section 3001 of the Emergency Supplemental  
 6 Appropriations Act for Defense and for the Reconstruc-  
 7 tion of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note),  
 8 and for purposes of determining the date of termination  
 9 of the Office of the Special Inspector General under sub-  
 10 section (o) of such section, any funds appropriated or oth-  
 11 erwise made available for fiscal year 2006 for the recon-  
 12 struction of Iraq, regardless of how such funds may be  
 13 designated, shall be treated as amounts appropriated or  
 14 otherwise made available for the Iraq Relief and Recon-  
 15 struction Fund.

16 **Subtitle G—Report Matters**

17 **SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION**  
 18 **ON CRUEL, INHUMAN, OR DEGRADING**  
 19 **TREATMENT OR PUNISHMENT.**

20 (a) FINDINGS.—Congress makes the following find-  
 21 ings:

22 (1) It is critical that members of the Armed  
 23 Forces have clear guidelines about the legality of in-  
 24 terrogation techniques as they seek critical intel-  
 25 ligence in the War on Terrorism.

1           (2) To avoid confusion, any determination made  
2           about the legality of various interrogation techniques  
3           must be consistent across the United States Govern-  
4           ment.

5           (3) Confusion continues about the permissibility  
6           of various interrogation techniques, even after the  
7           enactment of the Detainee Treatment Act of 2005  
8           (title X of division A of Public Law 109–148).

9           (4) In testimony before the Senate and in writ-  
10          ten response to queries from the Senate, senior mili-  
11          tary commanders, Judge Advocates General of the  
12          Armed Forces, and various civilian officials of the  
13          Executive Branch have given incomplete or varying  
14          answers to questions on what constitutes cruel, inhu-  
15          man, or degrading treatment.

16          (5) It is critical to clarify these matters in order  
17          to ensure that members of the Armed Forces do not  
18          receive unclear or misleading guidance on such mat-  
19          ters.

20          (b) REPORT.—Not later than 90 days after the date  
21          of the enactment of this Act, the President shall submit  
22          to the congressional defense committees a report setting  
23          forth the coordinated and definitive legal opinion of the  
24          United States Government on whether each of the fol-  
25          lowing interrogation techniques constitutes cruel, inhu-



1 man, or degrading treatment or punishment (as defined  
2 in section 1002(d) of the Detainee Treatment Act of 2006  
3 (as defined in the Detainee Treatment Act of 2005 (119  
4 Stat. 2740; 42 U.S.C. 2000dd(d)):

5 (1) Waterboarding, or any other technique  
6 using water, bags, or other devices or substances to  
7 induce a sensation of drowning or asphyxiation.

8 (2) Sleep deprivation, including, at a minimum,  
9 depriving a prisoner of sleep for 24 hours or more  
10 or permitting five or less hours of sleep per day over  
11 a period of three or more days.

12 (3) Stress positions, including the use of any  
13 technique in which a prisoner is placed or shackled  
14 in a painful or awkward position (including pro-  
15 longed standing or crouching, shackling arms above  
16 the head for prolonged periods, or the use of shack-  
17 les or handcuffs in a manner which causes pain due  
18 to the swelling of tissue over a prolonged period of  
19 time).

20 (4) The use of extreme temperatures as an aid  
21 to interrogation.

22 (5) The use of beatings, slapping, or violent  
23 shaking.

24 (6) The use of dogs as an aid to interrogation.

1           (7) The use of nakedness or other forms of sex-  
2       ual humiliation as an aid to interrogation.

3       (c) ELEMENTS.—The report under subsection (b)  
4       shall state, for each interrogation technique listed in that  
5       subsection, the following

6           (1) Whether the technique would constitute  
7       cruel and unusual punishment under the Constitu-  
8       tion of the United States if used on a United States  
9       citizen within the United States.

10          (2) Whether the technique would constitute  
11       cruel and unusual punishment under the Constitu-  
12       tion of the United States if used on a United States  
13       citizen outside the United States.

14          (3) Whether the technique would be legal if  
15       used to interrogate a member of the Armed Forces  
16       of the United States by a state party to the Geneva  
17       Conventions.

18          (4) Whether the technique would be legal if  
19       used to interrogate a United States citizen by a  
20       state party to the Convention Against Torture and  
21       Other Cruel, Inhuman or Degrading Treatment or  
22       Punishment.

23       (d) CERTIFICATION ON NATURE OF OPINIONS.—The  
24       report under subsection (b) shall include a certification  
25       that the legal opinions set forth in the report are the co-

1   ordinated and definitive opinion of the United States Gov-  
 2   ernment binding on all departments and agencies of the  
 3   United States Government, any personnel of such depart-  
 4   ments and agencies, and any contractors of such depart-  
 5   ments and agencies.

6       (e) DISSEMINATION OF OPINIONS.—

7           (1) IN GENERAL.—The President shall ensure  
 8       the dissemination of the legal opinions set forth in  
 9       the report to all departments and agencies of the  
 10      United States Government, together with the in-  
 11      struction that such opinions be further disseminated  
 12      to all personnel of such departments and agencies  
 13      and all contractors of such departments and agen-  
 14      cies.

15          (2) CERTIFICATION ON DISSEMINATION.—The  
 16      report shall include a certification regarding compli-  
 17      ance with the requirement in paragraph (1).

18      (f) DEFINITIONS.—In this section:

19          (1) The term “Convention Against Torture and  
 20      Other Cruel, Inhuman or Degrading Treatment or  
 21      Punishment” means the Convention Against Torture  
 22      and Other Cruel, Inhuman or Degrading Treatment  
 23      or Punishment, done at New York, December 10,  
 24      1984, and entering into force June 26, 1987 (T.  
 25      Doc. 100–20).

1 (2) The term “Geneva Conventions” means—

2 (A) the Convention for the Amelioration of  
3 the Condition of the Wounded and Sick in  
4 Armed Forces in the Field, done at Geneva Au-  
5 gust 12, 1949 (6 UST 3114);

6 (B) the Convention for the Amelioration of  
7 the Condition of the Wounded, Sick, and Ship-  
8 wrecked Members of Armed Forces at Sea,  
9 done at Geneva August 12, 1949 (6 UST  
10 3217);

11 (C) the Convention Relative to the Treat-  
12 ment of Prisoners of War, done at Geneva Au-  
13 gust 12, 1949 (6 UST 3316); and

14 (D) the Convention Relative to the Protec-  
15 tion of Civilian Persons in Time of War, done  
16 at Geneva August 12, 1949 (6 UST 3516).

17 **SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES**  
18 **AND CIVILIAN EMPLOYEES OF THE DEPART-**  
19 **MENT OF DEFENSE SERVING IN THE LEGIS-**  
20 **LATIVE BRANCH.**

21 (a) MONTHLY REPORTS ON DETAILS AND FELLOW-  
22 SHIPS OF LONG DURATION.—Not later than 120 days  
23 after the date of the enactment of this Act, and monthly  
24 thereafter, the Secretary of Defense shall submit to the  
25 congressional defense committees a report on the members

1 of the Armed Forces and civilian employees of the Depart-  
 2 ment of Defense who, as of the date of such report, have  
 3 served continuously in the Legislative Branch for more  
 4 than 12 consecutive months in one or a combination of  
 5 covered legislative details or fellowships.

6 (b) REPORTS ON CERTAIN MILITARY DETAILS AND  
 7 FELLOWSHIPS.—If a member of the Armed Forces is as-  
 8 signed to a covered legislative detail or fellowship as the  
 9 last tour of duty of such member before retirement or sep-  
 10 aration from the Armed Forces in contravention of the  
 11 regulations of the Department of Defense, the Secretary  
 12 shall submit to the congressional defense committees a re-  
 13 port on the assignment of such member to such covered  
 14 legislative detail or fellowship. The report shall include a  
 15 rationale for the waiver of the regulations of the Depart-  
 16 ment in order to permit the detail or fellowship.

17 (c) REPORT ELEMENTS.—Each report under sub-  
 18 section (a) or (b) shall set forth, for each member of the  
 19 Armed Forces or civilian employee covered of the Depart-  
 20 ment of Defense covered by such report, the following:

- 21 (1) The name of such member or employee.
- 22 (2) In the case of a member, the Armed Force
- 23 of such member.

1           (3) The committee or member of Congress to  
2           which such member or employee is detailed or as-  
3           signed.

4           (4) A general description of the projects or  
5           tasks undertaken or to be undertaken, as applicable,  
6           by such member or employee as a detailee, fellow, or  
7           both.

8           (5) The anticipated termination date of the cur-  
9           rent detail or fellowship of such member or em-  
10          ployee.

11          (d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP  
12   DEFINED.—In this section, the term “covered legislative  
13   detail or fellowship” means the following:

14           (1) A detail under the provisions of Department  
15           of Defense Directive 1000.17.

16           (2) A legislative fellowship (including a legisla-  
17           tive fellowship under the provisions of Department  
18           of Defense Directive 1322.6).

19   **SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON**  
20                           **CHEMICAL AND BIOLOGICAL WARFARE DE-**  
21                           **FENSE.**

22          Section 1703(b) of the National Defense Authoriza-  
23   tion Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is  
24   amended by adding at the end the following new para-  
25   graph:

1           “(10) A description of the coordination and in-  
 2           tegration of the program of the Defense Advanced  
 3           Research Projects Agency (DARPA) on basic and  
 4           applied research and advanced technology develop-  
 5           ment on chemical and biological warfare defense  
 6           technologies and systems under section 1701(c)(2)  
 7           with the overall program of the Department of De-  
 8           fense on chemical and biological warfare defense,  
 9           including—

10                 “(A) the degree to which the program of  
 11                 the Defense Advanced Research Projects Agen-  
 12                 cy supports the objectives and requirements of  
 13                 the program of the Department of Defense; and

14                 “(B) the means of determining the level of  
 15                 coordination and support provided by the pro-  
 16                 gram of the Defense Advanced Research  
 17                 Projects Agency for the program of the Depart-  
 18                 ment of Defense.”.

19 **SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF**  
 20 **THE ARMED FORCES RETIREMENT HOME.**

21           Not later than 30 days after the date of the enact-  
 22           ment of this Act, the Secretary of Defense shall submit  
 23           to the congressional defense committees a report setting  
 24           forth the following:

1           (1) The current composition and activities of  
 2           the Local Board of Trustees of the Armed Forces  
 3           Retirement Home—Washington under section 1516  
 4           of the Armed Forces Retirement Home Act of 1991  
 5           (24 U.S.C. 416).

6           (2) The current composition and activities of  
 7           the Local Board of Trustees of the Armed Forces  
 8           Retirement Home—Gulfport under section 1516 of  
 9           such Act.

10 **SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

11           (a) ANNUAL REPORT ON AVIATION CAREER INCEN-  
 12           TIVE PAY.—Section 301a of title 37, United States Code,  
 13           is amended by striking subsection (f).

14           (b) ANNUAL REPORT ON EFFECTS OF CERTAIN INI-  
 15           TIATIVES ON RECRUITMENT AND RETENTION.—

16           (1) REPEAL.—Section 1015 of title 37, United  
 17           States Code, is repealed.

18           (2) CLERICAL AMENDMENT.—The table of sec-  
 19           tions at the beginning of chapter 19 of such title is  
 20           amended by striking the item relating to section  
 21           1015.

22           (c) SECRETARY OF DEFENSE RECOMMENDATION ON  
 23           NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section  
 24           1041 of the National Defense Authorization Act for Fiscal



1 Year 2002 (Public Law 107–107; 115 Stat. 1217) is re-  
 2 pealed.

3 (d) REPORT ON PILOT PROGRAM TO ENHANCE MILI-  
 4 TARY RECRUITING BY IMPROVING MILITARY AWARENESS  
 5 OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564  
 6 of the Floyd D. Spence National Defense Authorization  
 7 Act for Fiscal Year 2001 (as enacted into law by Public  
 8 Law 106–398 (114 Stat. 1654A–134); 10 U.S.C. 503  
 9 note) is amended by striking subsection (c).

10 (e) ANNUAL REPORT ON MEDICAL INFORMATICS.—  
 11 Section 723(d) of the National Defense Authorization Act  
 12 for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—

13 (1) by striking paragraph (5); and

14 (2) by redesignating paragraphs (6) and (7) as  
 15 paragraphs (5) and (6), respectively.

16 (f) REPORT ON IMPOSITION OF ADDITIONAL  
 17 CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACAD-  
 18 EMIES.—Section 553(b) of the National Defense Author-  
 19 ization Act for Fiscal Year 1995 (Public Law 103–337;  
 20 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by  
 21 striking the second sentence.

1 **SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CER-**  
 2 **TAIN MEMBERS AND FORMER MEMBERS OF**  
 3 **THE ARMED FORCES TO SERVE IN THE BU-**  
 4 **REAU OF CUSTOMS AND BORDER PROTEC-**  
 5 **TION.**

6 (a) REPORT REQUIRED.—Not later than 60 days  
 7 after the date of the enactment of this Act, the Secretary  
 8 of Homeland Security and the Secretary of Defense shall  
 9 jointly submit to the appropriate committees of Congress  
 10 a report assessing the desirability and feasibility of offer-  
 11 ing incentives to covered members and former members  
 12 of the Armed Forces for the purpose of encouraging such  
 13 members to serve in the Bureau of Customs and Border  
 14 Protection.

15 (b) COVERED MEMBERS AND FORMER MEMBERS OF  
 16 THE ARMED FORCES.—For purposes of this section, cov-  
 17 ered members and former members of the Armed Forces  
 18 are the following:

19 (1) Members of the reserve components of the  
 20 Armed Forces.

21 (2) Former members of the Armed Forces with-  
 22 in two years of separation from service in the Armed  
 23 Forces.

24 (c) REQUIREMENTS AND LIMITATIONS.—

25 (1) NATURE OF INCENTIVES.—In considering  
 26 incentives for purposes of the report required by

1 subsection (a), the Secretaries shall consider such  
2 incentives, whether monetary or otherwise and  
3 whether or not authorized by current law or regula-  
4 tions, as the Secretaries jointly consider appropriate.

5 (2) TARGETING OF INCENTIVES.—In assessing  
6 any incentive for purposes of the report, the Secre-  
7 taries shall give particular attention to the utility of  
8 such incentive in—

9 (A) encouraging service in the Bureau of  
10 Customs and Border Protection after service in  
11 the Armed Forces by covered members and  
12 former of the Armed Forces who have provided  
13 border patrol or border security assistance to  
14 the Bureau as part of their duties as members  
15 of the Armed Forces; and

16 (B) leveraging military training and expe-  
17 rience by accelerating training, or allowing  
18 credit to be applied to related areas of training,  
19 required for service with the Bureau of Cus-  
20 toms and Border Protection.

21 (3) PAYMENT.—In assessing incentives for pur-  
22 poses of the report, the Secretaries shall assume  
23 that any costs of such incentives shall be borne by  
24 the Department of Homeland Security.

1 (d) ELEMENTS.—The report required by subsection  
2 (a) shall include the following:

3 (1) A description of various monetary and non-  
4 monetary incentives considered for purposes of the  
5 report.

6 (2) An assessment of the desirability and feasi-  
7 bility of utilizing any such incentive for the purpose  
8 specified in subsection (a), including an assessment  
9 of the particular utility of such incentive in encour-  
10 aging service in the Bureau of Customs and Border  
11 Protection after service in the Armed Forces by cov-  
12 ered members and former members of the Armed  
13 Forces described in subsection (c)(2).

14 (3) Any other matters that the Secretaries  
15 jointly consider appropriate.

16 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-  
17 FINED.—In this section, the term “appropriate commit-  
18 tees of Congress” means—

19 (1) the Committees on Armed Services, Home-  
20 land Security and Governmental Affairs, and Appro-  
21 priations of the Senate; and

22 (2) the Committees on Armed Services, Home-  
23 land Security, and Appropriations of the House of  
24 Representatives.

1 **SEC. 1067. REPORT ON REPORTING REQUIREMENTS APPLI-**  
2 **CABLE TO THE DEPARTMENT OF DEFENSE.**

3 (a) REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than March 1,  
5 2007, the Secretary of Defense shall submit to the  
6 congressional defense committees a report on each  
7 report described in paragraph (2) that is required by  
8 law to be submitted to the congressional defense  
9 committees by the Department of Defense or any  
10 department, agency, element, or component under  
11 the Department of Defense.

12 (2) COVERED REPORTS.—Paragraph (1) applies  
13 with respect to any report required under a provi-  
14 sion of law enacted on or after the date of the enact-  
15 ment of the National Defense Authorization Act for  
16 Fiscal Year 2004 (Public Law 108–136) that re-  
17 quires recurring reports to the committees referred  
18 to in that paragraph.

19 (b) ELEMENTS.—The report required by subsection  
20 (a) shall set forth the following:

21 (1) Each report described by that subsection,  
22 including a statement of the provision of law under  
23 which such report is required to be submitted to  
24 Congress.

25 (2) For each such report, an assessment by the  
26 Secretary of the utility of such report from the per-

1       spective of the Department of Defense and a rec-  
 2       ommendation on the advisability of repealing the re-  
 3       quirement for the submittal of such report.

4   **SEC. 1068. REPORT ON TECHNOLOGIES FOR NEUTRALIZING**  
 5                   **OR DEFEATING THREATS TO MILITARY RO-**  
 6                   **TARY WING AIRCRAFT FROM PORTABLE AIR**  
 7                   **DEFENSE SYSTEMS AND ROCKET PROPELLED**  
 8                   **GRENADES.**

9       (a) IN GENERAL.—Not later than 180 days after the  
 10      date of the enactment of this Act, the Secretary of Defense  
 11      shall submit to Congress a report on technologies for neu-  
 12      tralizing or defeating threats to military rotary wing air-  
 13      craft posed by portable air defense systems and rocket  
 14      propelled grenades that are being researched, developed,  
 15      employed, or considered by the United States Government  
 16      or the North Atlantic Treaty Organization.

17      (b) CONTENT.—The report required under subsection  
 18      (a) shall include—

19           (1) an assessment of the expected value and  
 20      utility of the technologies, particularly with respect  
 21      to—

22                   (A) the saving of lives;

23                   (B) the ability to reduce the vulnerability  
 24      of aircraft; and

1 (C) the enhancement of the ability of air-  
 2 craft and their crews to accomplish assigned  
 3 missions;

4 (2) an assessment of the potential costs of de-  
 5 veloping and deploying such technologies;

6 (3) a description of efforts undertaken to de-  
 7 velop such technologies, including—

8 (A) non-lethal counter measures;

9 (B) lasers and other systems designed to  
 10 dazzle, impede, or obscure threatening weapon  
 11 or their users;

12 (C) direct fire response systems;

13 (D) directed energy weapons; and

14 (E) passive and active systems; and

15 (4) a description of any impediments to the de-  
 16 velopment of such technologies, such as legal restric-  
 17 tions under the law of war, treaty restrictions under  
 18 the Protocol on Blinding Lasers, and political obsta-  
 19 cles such as the reluctance of other allied countries  
 20 to pursue such technologies.

1 **SEC. 1069. REPORTS ON DEPARTMENT OF JUSTICE EF-**  
2 **FORTS TO INVESTIGATE AND PROSECUTE**  
3 **CASES OF CONTRACTING ABUSE IN IRAQ, AF-**  
4 **GHANISTAN, AND THROUGHOUT THE WAR ON**  
5 **TERROR.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) Waste, fraud, and abuse in contracting are  
9 harmful to United States efforts to successfully win  
10 the conflicts in Iraq and Afghanistan and succeed in  
11 the war on terror. The act of stealing from our sol-  
12 diers who are daily in harm's way is clearly criminal  
13 and must be actively prosecuted.

14 (2) It is a vital interest of United States tax-  
15 payers to be protected from theft of their tax dollars  
16 by corrupt contractors.

17 (3) Whistleblower lawsuits are an important  
18 tool for exposing waste, fraud, and abuse and can  
19 identify serious graft and corruption.

20 (4) This issue is of paramount importance to  
21 the United States taxpayer, and the Congress must  
22 be provided with information about alleged con-  
23 tractor waste, fraud, and abuse taking place in Iraq,  
24 Afghanistan, and throughout the war on terror and  
25 about the efforts of the Department of Justice to  
26 combat these crimes.



1 (b) REPORTS.—

2 (1) IN GENERAL.—Not later than 90 days after  
3 the date of the enactment of this Act, and every 180  
4 days thereafter, the Attorney General shall submit  
5 to the Committee on the Judiciary and the Com-  
6 mittee on Homeland Security and Governmental Af-  
7 fairs of the Senate, the Committee on the Judiciary  
8 and the Committee on Government Reform of the  
9 House of Representatives, and the congressional de-  
10 fense committees a report on efforts to investigate  
11 and prosecute cases of waste, fraud, and abuse  
12 under sections 3729 and 3730(b) of title 31, United  
13 States Code, or any other related law that are re-  
14 lated to Federal contracting in Iraq, Afghanistan,  
15 and throughout the war on terror.

16 (2) CONTENT.—Each report submitted under  
17 paragraph (1) shall include the following:

18 (A) Information on organized efforts of the  
19 Department of Justice that have been created  
20 to ensure that the Department of Justice is in-  
21 vestigating, in a timely and appropriate man-  
22 ner, claims of contractor waste, fraud, and  
23 abuse related to the activities of the United  
24 States Government in Iraq, Afghanistan, and  
25 throughout the war on terror.

1           (B) Information on the specific number of  
2           personnel, financial resources, and workdays de-  
3           voted to addressing this waste, fraud, and  
4           abuse, including a complete listing of all of the  
5           offices across the United States and throughout  
6           the world that are working on these cases and  
7           an explanation of the types of additional re-  
8           sources, both in terms of personnel and fi-  
9           nances, that the Department of Justice needs  
10          to ensure that all of these cases proceed on a  
11          timely basis.

12          (C) A detailed description of any internal  
13          Department of Justice task force that exists to  
14          work specifically on cases of contractor fraud  
15          and abuse in Iraq, Afghanistan, and throughout  
16          the war on terror, including a description of its  
17          action plan, the frequency of its meetings, the  
18          level and quantity of staff dedicated to it, its  
19          measures for success, the nature and substance  
20          of the allegations, and the amount of funds in  
21          controversy for each case. If there is a showing  
22          of extraordinary circumstances that disclosure  
23          of particular information would pose an immi-  
24          nent threat of harm to a relator and be detri-  
25          mental to the public interest, then this informa-

1           tion should be redacted in accordance with  
2           standard practices.

3           (D) A detailed description of any inter-  
4           agency task force that exists to work specifi-  
5           cally on cases of contractor waste, fraud, and  
6           abuse in Iraq, Afghanistan, and throughout the  
7           war on terror, including its action plan, the fre-  
8           quency of its meetings, the level and quantity of  
9           staff dedicated to it, its measures for success,  
10          the type, nature, and substance of the allega-  
11          tions, and the amount of funds in controversy  
12          for each case. If there is a showing of extraor-  
13          dinary circumstances that disclosure of par-  
14          ticular information would pose an imminent  
15          threat of harm to a relator and be detrimental  
16          to the public interest, then this information  
17          should be redacted in accordance with standard  
18          practices.

19          (E) The names of the senior officials di-  
20          rectly responsible for oversight of the efforts to  
21          address these cases of contractor waste, fraud,  
22          and abuse in Iraq, Afghanistan, and throughout  
23          the war on terror.

24          (F) Specific information on the number of  
25          investigators and other personnel that have

1           been provided to the Department of Justice by  
2           other Federal departments and agencies in sup-  
3           port of the efforts of the Department of Justice  
4           to combat contractor waste, fraud, and abuse in  
5           Iraq, Afghanistan, and throughout the war on  
6           terror, including data on the quantity of time  
7           that these investigators have spent working  
8           within the Department of Justice structures  
9           dedicated to this effort.

10           (G) Specific information on the full num-  
11           ber of investigations, including grand jury in-  
12           vestigations currently underway, that are ad-  
13           dressing these cases of contractor waste, fraud,  
14           and abuse in Iraq, Afghanistan, and throughout  
15           the war on terror.

16           (H) Specific information on the number  
17           and status of the criminal cases that have been  
18           launched to address contractor waste, fraud,  
19           and abuse in Iraq, Afghanistan, and throughout  
20           the war on terror.

21           (I) Specific information on the number of  
22           civil cases that have been filed to address con-  
23           tractor waste, fraud, and abuse in Iraq, Af-  
24           ghanistan, and throughout the war on terror,  
25           including specific information on the quantity of

1 cases initiated by private parties, as well as the  
2 quantity of cases that have been referred to the  
3 Department of Justice by the Department of  
4 Defense, the Department of State, and other  
5 relevant Federal departments and agencies.

6 (J) Specific information on the resolved  
7 civil and criminal cases that have been filed to  
8 address contractor waste, fraud, and abuse in  
9 Iraq, Afghanistan, and throughout the war on  
10 terror, including the specific results of these  
11 cases, the types of waste, fraud, and abuse that  
12 took place, the amount of funds that were re-  
13 turned to the United States Government as a  
14 result of resolution of these cases, and a full de-  
15 scription of the type and substance of the  
16 waste, fraud, and abuse that took place. If  
17 there is a showing of extraordinary cir-  
18 cumstances that disclosure of particular infor-  
19 mation would pose an imminent threat of harm  
20 to a relator and be detrimental to the public in-  
21 terest, then this information should be redacted  
22 in accordance with standard practices.

23 (K) The best estimate by the Department  
24 of Justice of the scale of the problem of con-

1 tractor waste, fraud, and abuse in Iraq, Af-  
2 ghanistan, and throughout the war on terror.

3 **SEC. 1070. REPORT ON BIODEFENSE STAFFING AND TRAIN-**  
4 **ING REQUIREMENTS IN SUPPORT OF NA-**  
5 **TIONAL BIOSAFETY LABORATORIES.**

6 (a) STUDY REQUIRED.—The Secretary of Defense  
7 shall, in consultation with the Secretary of Homeland Se-  
8 curity and the Secretary of Health and Human Services,  
9 conduct a study to determine the staffing and training re-  
10 quirements for pending capital programs to construct bio-  
11 defense laboratories (including agriculture and animal lab-  
12 oratories) at Biosafety Level (BSL) 3 and Biosafety Level  
13 4 or to expand current biodefense laboratories to such bio-  
14 safety levels.

15 (b) ELEMENTS.—In conducting the study, the Sec-  
16 retary of Defense shall address the following:

17 (1) The number of trained personnel, by dis-  
18 cipline and qualification level, required for existing  
19 biodefense laboratories at Biosafety Level 3 and Bio-  
20 safety Level 4.

21 (2) The number of research and support staff,  
22 including researchers, laboratory technicians, animal  
23 handlers, facility managers, facility or equipment  
24 maintainers, biosecurity personnel (including bio-  
25 safety, physical, and electronic security personnel),

1 and other safety personnel required to manage bio-  
2 defense research efforts to combat bioterrorism at  
3 the biodefense laboratories described in subsection  
4 (a).

5 (3) The training required to provide the per-  
6 sonnel described by paragraphs (1) and (2), includ-  
7 ing the type of training (whether classroom, labora-  
8 tory, or field training) required, the length of train-  
9 ing required by discipline, and the curriculum re-  
10 quired to be developed for such training.

11 (4) Training schedules necessary to meet the  
12 scheduled openings of the biodefense laboratories de-  
13 scribed in subsection (a), including schedules for re-  
14 fresher training and continuing education that may  
15 be necessary for that purpose.

16 (c) REPORT.—Not later than December 31, 2006, the  
17 Secretary of Defense shall submit to Congress a report  
18 setting forth the results of the study conducted under this  
19 section.

20 **SEC. 1070A. ANNUAL REPORT ON ACQUISITIONS OF ARTI-**  
21 **CLES, MATERIALS, AND SUPPLIES MANUFAC-**  
22 **TURED OUTSIDE THE UNITED STATES.**

23 (a) IN GENERAL.—Not later than March 31 of each  
24 year, the Department of Defense shall submit a report to  
25 Congress on the amount of the acquisitions made by the

1 agency in the preceding fiscal year of articles, materials,  
2 or supplies purchased from entities that manufacture the  
3 articles, materials, or supplies outside of the United  
4 States.

5 (b) CONTENT.—Each report required by subsection  
6 (a) shall separately indicate—

7 (1) the dollar value of any articles, materials, or  
8 supplies purchased that were manufactured outside  
9 of the United States;

10 (2) an itemized list of all waivers granted with  
11 respect to such articles, materials, or supplies under  
12 the Buy American Act (41 U.S.C. 10a et seq.); and

13 (3) a summary of—

14 (A) the total procurement funds expended  
15 on articles, materials, and supplies manufac-  
16 tured inside the United States; and

17 (B) the total procurement funds expended  
18 on articles, materials, and supplies manufac-  
19 tured outside the United States.

20 (c) PUBLIC AVAILABILITY.—The Department of De-  
21 fense submitting a report under subsection (a) shall make  
22 the report publicly available to the maximum extent prac-  
23 ticable.

24 (d) APPLICABILITY.—This section shall not apply to  
25 acquisitions made by an agency, or component thereof,



1 that is an element of the intelligence community as set  
 2 forth in or designated under section 3(4) of the National  
 3 Security Act of 1947 (50 U.S.C. 401a(4)).

4 **SEC. 1070B. ANNUAL REPORT ON FOREIGN SALES OF SIG-**  
 5 **NIFICANT MILITARY EQUIPMENT MANUFAC-**  
 6 **TURED INSIDE THE UNITED STATES.**

7 (a) IN GENERAL.—Not later than March 31 of each  
 8 year, the Department of Defense shall submit a report to  
 9 Congress on foreign military sales and direct sales to for-  
 10 eign customers of significant military equipment manufac-  
 11 tured inside the United States.

12 (b) CONTENT.—Each report required by subsection  
 13 (a) shall indicate, for each sale in excess of \$2,000,000—

14 (1) the nature of the military equipment sold  
 15 and the dollar value of the sale;

16 (2) the country to which the military equipment  
 17 was sold; and

18 (3) the manufacturer of the equipment and the  
 19 State in which the equipment was manufactured.

20 (c) PUBLIC AVAILABILITY.—The Department of De-  
 21 fense shall make reports submitted under this section pub-  
 22 licly available to the maximum extent practicable.

1 **SEC. 1070C. REPORT ON FEASIBILITY OF ESTABLISHING**  
2 **REGIONAL COMBATANT COMMAND FOR AFRI-**  
3 **CA.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of the enactment of this Act, the Secretary of Defense  
6 shall submit to the congressional defense committees and  
7 the Committee on Foreign Relations of the Senate and  
8 the Committee on International Relations of the House  
9 of Representatives a report on the establishment of a  
10 United States Armed Forces regional combatant command  
11 for Africa.

12 (b) CONTENT.—The report required under subsection  
13 (a) shall include—

14 (1) a study on the feasibility and desirability of  
15 establishing of a United States Armed Forces re-  
16 gional combatant command for Africa;

17 (2) an assessment of the benefits and problems  
18 associated with establishing such a command; and

19 (3) an estimate of the costs, time, and re-  
20 sources needed to establish such a command.

21 **SEC. 1070D. ANNUAL REPORTS ON EXPANDED USE OF UN-**  
22 **MANNED AERIAL VEHICLES IN THE NA-**  
23 **TIONAL AIRSPACE SYSTEM.**

24 (a) FINDINGS.—The Senate makes the following  
25 findings:

1           (1) Unmanned aerial vehicles (UAVs) serve De-  
2           partment of Defense intelligence, surveillance, recon-  
3           naissance, and combat missions.

4           (2) Operational reliability of unmanned systems  
5           continues to improve and sense-and-avoid technology  
6           development and fielding must continue in an effort  
7           to provide unmanned aerial systems with an equiva-  
8           lent level of safety to manned aircraft.

9           (3) Unmanned aerial vehicles have the potential  
10          to support the Nation's homeland defense mission,  
11          border security mission, and natural disaster recov-  
12          ery efforts.

13          (4) Accelerated development and testing of  
14          standards for the integration of unmanned aerial ve-  
15          hicles in the National Airspace System would further  
16          the increased safe use of such vehicles for border se-  
17          curity, homeland defense, and natural disaster recov-  
18          ery efforts.

19          (b) ANNUAL REPORTS.—Not later than one year  
20          after the date of the enactment of this Act and annually  
21          thereafter until the Federal Aviation Administration pro-  
22          mulgates such policy, the Secretary of Defense shall sub-  
23          mit to the Committees on Armed Services, Commerce,  
24          Science and Transportation, and Homeland Security and  
25          Governmental Affairs of the Senate and the Committees

1 on Armed Services, Energy and Commerce, and Govern-  
 2 ment Reform of the House of Representatives a report on  
 3 the actions of the Department of Defense to support the  
 4 development by the Federal Aviation Administration of a  
 5 policy on the testing and operation of unmanned aerial  
 6 vehicles in the National Airspace System.

## 7                   **Subtitle H—Technical and** 8                   **Conforming Amendments**

### 9   **SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY** 10                   **SYSTEM FOR CERTAIN DEPARTMENT OF DE-** 11                   **FENSE PURPOSES.**

12           (a)    DEFENSE       BUSINESS       SYSTEMS.—Section  
 13 2222(j)(6) of title 10, United States Code, is amended by  
 14 striking “section 2315 of this title” and inserting “section  
 15 3542(b)(2) of title 44”.

16           (b)    INFORMATION       TECHNOLOGY.—Section  
 17 2223(c)(3) of such title is amended by striking “section  
 18 11103 of title 40” and inserting “section 3542(b)(2) of  
 19 title 44”.

20           (c)    PROCUREMENT OF AUTOMATIC DATA PROC-  
 21 ESSING EQUIPMENT AND SERVICES.—The text of section  
 22 2315 of such title is amended to read as follows:

23           “For the purposes of subtitle III of title 40, the term  
 24 ‘national security system’ has the meaning given that term  
 25 in section 3542(b)(2) of title 44.”.

1 **SEC. 1072. CONFORMING AMENDMENT RELATING TO RE-**  
 2 **DESIGNATION OF DEFENSE COMMUNICA-**  
 3 **TIONS AGENCY AS DEFENSE INFORMATION**  
 4 **SYSTEMS AGENCY.**

5 Paragraph (1) of section 193(f) of title 10, United  
 6 States Code, is amended to read as follows:

7 “(1) The Defense Information Systems Agen-  
 8 cy.”.

9 **SEC. 1073. TECHNICAL AMENDMENT.**

10 Effective as of the date of the enactment of the Na-  
 11 tional Defense Authorization Act for Fiscal Year 2006  
 12 (Public Law 109–163) and as if included in the enactment  
 13 thereof, section 341(e) of such Act (119 Stat. 3199) is  
 14 amended by striking “(a)(1)(E)” and inserting  
 15 “(a)(1)(F)”.

16 **Subtitle I—Other Matters**

17 **SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION**  
 18 **COUNCIL.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Effective on October 1,  
 21 2006, there is established the National Foreign Lan-  
 22 guage Coordination Council (in this section referred  
 23 to as the “Council”).

24 (2) INDEPENDENT ESTABLISHMENT.—The Na-  
 25 tional Foreign Language Coordination Council shall

1       be an independent establishment as defined under  
2       section 104 of title 5, United States Code.

3       (b) MEMBERSHIP.—The Council shall consist of the  
4       following members or their designees:

5           (1) The National Language Director, who shall  
6       serve as the chairperson of the Council.

7           (2) The Secretary of Education.

8           (3) The Secretary of Defense.

9           (4) The Secretary of State.

10          (5) The Secretary of Homeland Security.

11          (6) The Attorney General.

12          (7) The Director of National Intelligence.

13          (8) The Secretary of Labor.

14          (9) The Director of the Office of Personnel  
15       Management.

16          (10) The Director of the Office of Management  
17       and Budget.

18          (11) The Secretary of Commerce.

19          (12) The Secretary of Health and Human Serv-  
20       ices.

21          (13) The Secretary of the Treasury.

22          (14) The Secretary of Housing and Urban De-  
23       velopment.

24          (15) The Secretary of Agriculture.

1           (16) The Chairman and President of the Ex-  
2           port-Import Bank of the United States.

3           (17) The heads of such other Federal agencies  
4           as the Council considers appropriate.

5           (c) RESPONSIBILITIES.—

6           (1) IN GENERAL.—The Council shall be  
7           charged with—

8                   (A) developing a national foreign language  
9                   strategy, within 18 months of the date of the  
10                  enactment of this Act, in consultation with—

11                          (i) State and local government agen-  
12                          cies;

13                          (ii) academic sector institutions;

14                          (iii) foreign language related interest  
15                          groups;

16                          (iv) business associations;

17                          (v) industry;

18                          (vi) heritage associations; and

19                          (vii) other relevant stakeholders;

20                   (B) conducting a survey of the extent of  
21                   Federal agency foreign language and area ex-  
22                   pertise, and of Federal agency needs for such  
23                   expertise;

24                   (C) identifying and evaluating the ade-  
25                   quacy of Federal foreign language programs,

1 including any duplicative or overlapping pro-  
2 grams that may impede efficiency; and

3 (D) monitoring the implementation of such  
4 strategy through—

5 (i) application of current and recently  
6 enacted laws; and

7 (ii) the promulgation and enforcement  
8 of rules and regulations.

9 (2) STRATEGY CONTENT.—The strategy devel-  
10 oped under paragraph (1) shall include—

11 (A) identification of priorities to expand  
12 foreign language skills in the public and private  
13 sectors;

14 (B) recommendations for improving coordi-  
15 nation of foreign language programs and activi-  
16 ties among Federal agencies, enhancing Federal  
17 foreign language programs and activities, and  
18 allocating resources appropriately in order to  
19 maximize the use of resources;

20 (C) needed national policies and cor-  
21 responding legislative and regulatory actions in  
22 support of, and allocation of designated re-  
23 sources to, promising programs and initiatives  
24 at all levels (Federal, State, and local), espe-  
25 cially in the less commonly taught languages



1 that are seen as critical for national security  
 2 and global competitiveness during the next 20  
 3 to 50 years;

4 (D) effective ways to increase public  
 5 awareness of the need for foreign language  
 6 skills and career paths in the public and private  
 7 sectors that can employ those skills, with the  
 8 objective of increasing support for foreign lan-  
 9 guage study among—

- 10 (i) Federal, State, and local leaders;
- 11 (ii) students;
- 12 (iii) parents;
- 13 (iv) elementary, secondary, and post-
- 14 secondary educational institutions; and
- 15 (v) employers;

16 (E) recommendations for incentives for de-  
 17 veloping related educational programs, includ-  
 18 ing foreign language teacher training;

19 (F) coordination of public and private sec-  
 20 tor efforts to provide foreign language instruc-  
 21 tion and acquire foreign language and area ex-  
 22 pertise;

23 (G) coordination of public and private sec-  
 24 tor initiatives to develop a strategic posture for  
 25 language research;

1 (H) recommendations for—

2 (i) the development of foreign lan-  
3 guage achievement standards; and

4 (ii) corresponding assessments of for-  
5 eign language achievement standards for  
6 the elementary, secondary, and postsec-  
7 ondary education levels, including the Na-  
8 tional Assessment of Educational Progress  
9 in foreign languages;

10 (I) recommendations for development of—

11 (i) language skill-level certification  
12 standards;

13 (ii) frameworks for pre-service and  
14 professional development study for those  
15 who teach foreign language;

16 (iii) suggested graduation criteria for  
17 foreign language studies in non-language  
18 areas, such as—

19 (I) international business;

20 (II) national security;

21 (III) public administration;

22 (IV) health care;

23 (V) engineering;

24 (VI) law;

25 (VII) journalism; and

1 (VIII) sciences;

2 (J) identification of and means for repli-  
 3 cating best practices for teaching foreign lan-  
 4 guages in the public and private sectors, includ-  
 5 ing best practices from the international com-  
 6 munity; and

7 (K) recommendations for overcoming bar-  
 8 riers in foreign language proficiency.

9 (d) SUBMISSION OF STRATEGY TO PRESIDENT AND  
 10 CONGRESS.—Not later than 18 months after the date of  
 11 the enactment of this Act, the Council shall prepare and  
 12 transmit to the President and the relevant committees of  
 13 Congress the national foreign language strategy required  
 14 under subsection (c).

15 (e) MEETINGS.—The Council may hold such meet-  
 16 ings, and sit and act at such times and places, as the  
 17 Council considers appropriate, but shall meet in formal  
 18 session at least 2 times a year. State and local government  
 19 agencies and other organizations (such as academic sector  
 20 institutions, foreign language-related interest groups,  
 21 business associations, industry, and heritage community  
 22 organizations) shall be invited, as appropriate, to public  
 23 meetings of the Council at least once a year.

24 (f) STAFF.—

25 (1) IN GENERAL.—The Director may—

1           (A) appoint, without regard to the provi-  
2           sions of title 5, United States Code, governing  
3           the competitive service, such personnel as the  
4           Director considers necessary; and

5           (B) compensate such personnel without re-  
6           gard to the provisions of chapter 51 and sub-  
7           chapter III of chapter 53 of that title.

8           (2) DETAIL OF GOVERNMENT EMPLOYEES.—  
9           Upon request of the Council, any Federal Govern-  
10          ment employee may be detailed to the Council with-  
11          out reimbursement, and such detail shall be without  
12          interruption or loss of civil service status or privi-  
13          lege.

14          (3) EXPERTS AND CONSULTANTS.—With the  
15          approval of the Council, the Director may procure  
16          temporary and intermittent services under section  
17          3109(b) of title 5, United States Code.

18          (4) TRAVEL EXPENSES.—Council members and  
19          staff shall be allowed travel expenses, including per  
20          diem in lieu of subsistence, at rates authorized for  
21          employees of agencies under subchapter I of chapter  
22          57 of title 5, United States Code, while away from  
23          their homes or regular places of business in the per-  
24          formance of services for the Council.

25          (5) SECURITY CLEARANCE.—

1           (A) IN GENERAL.—Subject to subpara-  
2           graph (B), the appropriate Federal agencies or  
3           departments shall cooperate with the Council in  
4           expeditiously providing to the Council members  
5           and staff appropriate security clearances to the  
6           extent possible pursuant to existing procedures  
7           and requirements.

8           (B) EXCEPTION.—No person shall be pro-  
9           vided with access to classified information  
10          under this section without the appropriate re-  
11          quired security clearance access.

12          (6) COMPENSATION.—The rate of pay for any  
13          employee of the Council (including the Director)  
14          may not exceed the rate payable for level V of the  
15          Executive Schedule under section 5316 of title 5,  
16          United States Code.

17          (g) POWERS.—

18               (1) DELEGATION.—Any member or employee of  
19          the Council may, if authorized by the Council, take  
20          any action that the Council is authorized to take in  
21          this section.

22               (2) INFORMATION.—

23                       (A) COUNCIL AUTHORITY TO SECURE.—  
24          The Council may secure directly from any Fed-  
25          eral agency such information, consistent with

1 Federal privacy laws, including the Family  
 2 Educational Rights and Privacy Act (20 U.S.C.  
 3 1232g) and the Department of Education's  
 4 General Education Provisions Act (20 U.S.C.  
 5 1232(h)), the Council considers necessary to  
 6 carry out its responsibilities.

7 (B) REQUIREMENT TO FURNISH RE-  
 8 QUESTED INFORMATION.—Upon request of the  
 9 Director, the head of such agency shall furnish  
 10 such information to the Council.

11 (3) DONATIONS.—The Council may accept, use,  
 12 and dispose of gifts or donations of services or prop-  
 13 erty.

14 (4) MAIL.—The Council may use the United  
 15 States mail in the same manner and under the same  
 16 conditions as other Federal agencies.

17 (h) CONFERENCES, NEWSLETTER, AND WEBSITE.—  
 18 In carrying out this section, the Council—

19 (1) may arrange Federal, regional, State, and  
 20 local conferences for the purpose of developing and  
 21 coordinating effective programs and activities to im-  
 22 prove foreign language education;

23 (2) may publish a newsletter concerning Fed-  
 24 eral, State, and local programs that are effectively

1 meeting the foreign language needs of the nation;  
2 and

3 (3) shall create and maintain a website con-  
4 taining information on the Council and its activities,  
5 best practices on language education, and other rel-  
6 evant information.

7 (i) REPORTS.—Not later than April 1, 2007, and an-  
8 nually thereafter, the Council shall prepare and transmit  
9 to the President and the relevant committees of Congress  
10 a report that describes—

11 (1) the activities of the Council to develop the  
12 national foreign language strategy required under  
13 subsection (c);

14 (2) the findings of the Council as of the date  
15 of such report;

16 (3) the efforts of the Council to improve foreign  
17 language education and training; and

18 (4) impediments identified by the Council to the  
19 implementation of a comprehensive national foreign  
20 language strategy, including any statutory and regu-  
21 latory restrictions.

22 (j) ESTABLISHMENT OF NATIONAL LANGUAGE DI-  
23 RECTOR.—

24 (1) IN GENERAL.—There is established a Na-  
25 tional Language Director who shall be appointed by

1 the President. The National Language Director shall  
2 be a nationally recognized individual with credentials  
3 and abilities in the public and private sectors to be  
4 involved with creating and implementing long-term  
5 solutions to achieving national foreign language and  
6 cultural competency.

7 (2) RESPONSIBILITIES.—The National Lan-  
8 guage Director shall—

9 (A) develop and monitor the implementa-  
10 tion of a national foreign language strategy  
11 across the public and private sectors;

12 (B) establish formal relationships among  
13 the major stakeholders in meeting the needs of  
14 the Nation for improved capabilities in foreign  
15 languages and cultural understanding, including  
16 Federal, State, and local government agencies,  
17 academia, industry, labor, and heritage commu-  
18 nities; and

19 (C) coordinate and lead a public informa-  
20 tion campaign that raises awareness of public  
21 and private sector careers requiring foreign lan-  
22 guage skills and cultural understanding, with  
23 the objective of increasing interest in and sup-  
24 port for the study of foreign languages among



1           national leaders, the business community, local  
2           officials, parents, and individuals.

3       (k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

4           (1) STATE CONTACT PERSONS.—The Council  
5       shall consult with each State to provide for the des-  
6       ignation by each State of an individual to serve as  
7       a State contact person for the purpose of receiving  
8       and disseminating information and communications  
9       received from the Council.

10          (2) STATE INTERAGENCY COUNCILS AND LEAD  
11       AGENCIES.—Each State is encouraged to establish a  
12       State interagency council on foreign language co-  
13       ordination or designate a lead agency for the State  
14       for the purpose of assuming primary responsibility  
15       for coordinating and interacting with the Council  
16       and State and local government agencies as nec-  
17       essary.

18       (l) SUNSET.—This section shall cease to have effect  
19   on September 30, 2015.

20       (m) AUTHORIZATION OF APPROPRIATIONS.—There is  
21   authorized to be appropriated for fiscal year 2007,  
22   \$1,500,000 to carry out this section.

1 **SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF**  
 2 **THE DISESTABLISHED INTERAGENCY GLOB-**  
 3 **AL POSITIONING SYSTEM EXECUTIVE BOARD.**

4 Section 8 of the Commercial Space Transportation  
 5 Competitiveness Act of 2000 (Public Law 106–405; 114  
 6 Stat. 1753; 10 U.S.C. 2281 note) is amended by striking  
 7 “the Interagency Global Positioning System Executive  
 8 Board, including an Executive Secretariat to be housed  
 9 at the Department of Commerce” and inserting “the Na-  
 10 tional Space-Based Positioning, Navigation, and Timing  
 11 Executive Committee, the National Space-Based Posi-  
 12 tioning, Navigation, and Timing Coordination Office, and  
 13 the National Space-Based Positioning, Navigation, and  
 14 Timing Advisory Board, and any successor organization”.

15 **SEC. 1083. QUADRENNIAL DEFENSE REVIEW.**

16 (a) FINDINGS.—Congress makes the following find-  
 17 ings:

18 (1) The Quadrennial Defense Review (QDR)  
 19 under section 118 of title 10, United States Code,  
 20 is vital in laying out the strategic military planning  
 21 and threat objectives of the Department of Defense.

22 (2) The Quadrennial Defense Review is critical  
 23 to identifying the correct mix of military planning  
 24 assumptions, defense capabilities, and strategic fo-  
 25 cuses for the Armed Forces of the United States.

1       (b) SENSE OF CONGRESS.—It is the sense of Con-  
 2 gress that the Quadrennial Defense Review is intended to  
 3 provide more than an overview of global threats and the  
 4 general strategic orientation of the Department of De-  
 5 fense.

6       (c) IMPROVEMENTS TO QUADRENNIAL DEFENSE RE-  
 7 VIEW.—

8           (1) CONDUCT OF REVIEW.—Subsection (b) of  
 9 section 118 of title 10, United States Code, is  
 10 amended—

11               (A) in paragraph (2), by striking “and” at  
 12 the end;

13               (B) in paragraph (3), by striking the pe-  
 14 riod at the end and inserting “; and”; and

15               (C) by adding at the end the following new  
 16 paragraph:

17           “(4) to make recommendations that are not  
 18 constrained to comply with the budget submitted to  
 19 Congress by the President pursuant to section 1105  
 20 of title 31.”.

21       (2) ADDITIONAL ELEMENT IN REPORT TO CON-  
 22 GRESS.—Subsection (d) of such section is  
 23 amended—

1 (A) in paragraph (1), by inserting “, the  
2 strategic planning guidance,” after “United  
3 States”;

4 (B) by redesignating paragraphs (9)  
5 through (15) as paragraphs (10) through (16),  
6 respectively; and

7 (C) by inserting after paragraph (8) the  
8 following new paragraph (9):

9 “(9) The specific capabilities, including the gen-  
10 eral number and type of specific military platforms,  
11 needed to achieve the strategic and warfighting ob-  
12 jectives identified in the review.”.

13 (3) CJCS REVIEW.—Subsection (e)(1) of such  
14 section is amended by inserting before the period at  
15 the end the following: “ and a description of the ca-  
16 pabilities needed to address such risk”.

17 (4) INDEPENDENT ASSESSMENT.—Such section  
18 is further amended by adding at the end the fol-  
19 lowing new subsection:

20 “(f) INDEPENDENT ASSESSMENT.—(1) Not later  
21 than one year before the date a report on a quadrennial  
22 defense review is to be submitted to Congress under sub-  
23 section (d), the President shall appoint a panel to conduct  
24 an independent assessment of the review.

1       “(2) The panel appointed under paragraph (1) shall  
2 be composed of seven individuals (who may not be employ-  
3 ees of the Department of Defense) as follows:

4           “(A) Three members shall be appointed by the  
5 President.

6           “(B) One member shall be appointed by the  
7 President in consultation with, and based on the rec-  
8 ommendations of, the Speaker of the House of Rep-  
9 resentatives.

10          “(C) One member shall be appointed by the  
11 President in consultation with, and based on the rec-  
12 ommendations of, the Minority Leader of the House  
13 of Representatives.

14          “(D) One member shall be appointed by the  
15 President in consultation with, and based on the rec-  
16 ommendations of, the Majority Leader of the Sen-  
17 ate.

18          “(E) One member shall be appointed by the  
19 President in consultation with, and based on the rec-  
20 ommendations of, the Minority Leader of the Sen-  
21 ate.

22       “(3) Not later than three months after the date that  
23 the report on a quadrennial defense review is submitted  
24 to Congress under subsection (d), the panel appointed  
25 under paragraph (2) shall provide to the congressional de-

1 fense committees an assessment of the assumptions, plan-  
2 ning guidelines, recommendations, and realism of the re-  
3 view.”.

4 **SEC. 1084. SENSE OF CONGRESS ON THE COMMENDABLE**  
5 **ACTIONS OF THE ARMED FORCES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) on June 7, 2006, the United States Armed  
8 Forces conducted an air raid near the City of  
9 Baquba, northeast of Baghdad, Iraq, that resulted  
10 in the death of Ahmad Fadeel al-Nazal al-Khalayleh,  
11 better known as Abu Musab al-Zarqawi, the leader  
12 of the al-Qaeda in Iraq terrorist organization and  
13 the most wanted terrorist in Iraq;

14 (2) Zarqawi, as the operational commander of  
15 al-Qaeda in Iraq, led a brutal campaign of suicide  
16 bombings, car bombings, assassinations, and abduc-  
17 tions that caused the deaths of many members of  
18 the United States Armed Forces, civilian officials of  
19 the United States Government, thousands of inno-  
20 cent Iraqi civilians, and innocent civilians of other  
21 nations;

22 (3) Zarqawi publicly swore his allegiance to  
23 Osama bin Laden and al-Qaeda in 2004, and  
24 changed the name of his terrorist organization from

1 the “Monotheism and Holy War Group” to “al-  
2 Qaeda in Iraq”;

3 (4) in an audiotape broadcast in December  
4 2004, Osama bin Laden, the leader of al-Qaeda’s  
5 worldwide terrorist organization, called Zarqawi “the  
6 prince of al-Qaeda in Iraq”;

7 (5) 3 perpetrators confessed to being paid by  
8 Zarqawi to carry out the October 2002 assassination  
9 of the United States diplomat, Lawrence Foley, in  
10 Amman, Jordan;

11 (6) the Monotheism and Holy War Group  
12 claimed responsibility for—

13 (A) the August 2003 suicide attack that  
14 destroyed the United Nations headquarters in  
15 Baghdad and killed the United Nations envoy  
16 to Iraq Sergio Vieira de Mello along with 21  
17 other people; and

18 (B) the suicide attack on the Imam Ali  
19 Mosque in Najaf that occurred less than 2  
20 weeks later, which killed at least 85 people, in-  
21 cluding the Ayatollah Sayed Mohammed Baqr  
22 al-Hakim, and wounded dozens more;

23 (7) Zarqawi is believed to have personally be-  
24 headed American hostage Nicholas Berg in May  
25 2004;

1           (8) in May 2004, Zarqawi was implicated in a  
2           car bombing that killed Izzadine Salim, the rotating  
3           president of the Iraqi Governing Council;

4           (9) in November 2005, al-Qaeda in Iraq at-  
5           tacked 3 hotels in Amman, Jordan, killing at least  
6           67 innocent civilians;

7           (10) Zarqawi and his terrorist organization  
8           were directly responsible for numerous other brutal  
9           terrorist attacks against the American and coalition  
10          troops, Iraqi security forces and recruits, and inno-  
11          cent Iraqi civilians;

12          (11) Zarqawi sought to turn Iraq into a safe  
13          haven for al-Qaeda;

14          (12) to achieve that end, Zarqawi stated his op-  
15          position to the democratically elected government of  
16          Iraq and worked to divide the Iraqi people, foment  
17          sectarian violence, and incite a civil war in Iraq; and

18          (13) the men and women of the United States  
19          Armed Forces, the intelligence community, and  
20          other agencies, along with coalition partners and the  
21          Iraqi Security Forces, should be commended for  
22          their courage and extraordinary efforts to track  
23          down the most wanted terrorist in Iraq and to se-  
24          cure a free and prosperous future for the people of  
25          Iraq.



1       (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that Congress—

3           (1) commends the United States Armed Forces,  
4 the intelligence community, and other agencies,  
5 along with coalition partners, for the actions taken  
6 through June 7, 2006, that resulted in the death of  
7 Abu Musab al-Zarqawi, the leader of the al-Qaeda in  
8 Iraq terrorist organization and the most wanted ter-  
9 rorist in Iraq;

10          (2) commends the United States Armed Forces,  
11 the intelligence community, and other agencies for  
12 this action and their exemplary performance in striv-  
13 ing to bring freedom, democracy, and security to the  
14 people of Iraq;

15          (3) commends the coalition partners of the  
16 United States, the new government of Iraq, and  
17 members of the Iraqi Security Forces for their in-  
18 valuable assistance in that operation and their ex-  
19 traordinary efforts to secure a free and prosperous  
20 Iraq;

21          (4) commends our civilian and military leader-  
22 ship for their continuing efforts to eliminate the  
23 leadership of al-Qaeda in Iraq, and also commends  
24 the new government of Iraq, led by Prime Minister

1       Jawad al-Maliki, for its contribution to that achieve-  
2       ment;

3           (5) recognizes that the death of Abu Musab al-  
4       Zarqawi is a victory for American and coalition  
5       forces in the global war on terror and a blow to the  
6       al-Qaeda terrorist organization;

7           (6) commends the Iraqi Prime Minister Jawad  
8       al-Maliki on the finalization of the new Iraqi cabinet;

9           (7) urges the democratically elected government  
10      in Iraq to use this opportunity to defeat the terrorist  
11      enemy, to put an end to ethnic and sectarian vio-  
12      lence, and to achieve a free, prosperous, and secure  
13      future for Iraq; and

14          (8) affirms that the Senate will continue to sup-  
15      port the United States Armed Forces, the democrat-  
16      ically elected unity government of Iraq, and the peo-  
17      ple of Iraq in their quest to secure a free, pros-  
18      perous, and democratic Iraq.

19   **SEC. 1085. BUDGETING FOR ONGOING MILITARY OPER-**  
20                           **ATIONS.**

21      The President's budget submitted pursuant to section  
22   1105(a) of title 31, United States Code, for each fiscal  
23   year after fiscal year 2007 shall include—

24          (1) a request for funds for such fiscal year for  
25      ongoing military operations in Afghanistan and Iraq;

1           (2) an estimate of all funds expected to be re-  
2           quired in that fiscal year for such operations; and

3           (3) a detailed justification of the funds re-  
4           quested.

5 **SEC. 1086. COURT SECURITY IMPROVEMENTS.**

6           (a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

7           (1) ENSURING CONSULTATION AND COORDINA-  
8           TION WITH THE JUDICIARY.—Section 566 of title  
9           28, United States Code, is amended by adding at  
10          the end the following:

11          “(i) The Director of the United States Marshals  
12          Service shall consult and coordinate with the Judicial Con-  
13          ference of the United States on a continuing basis regard-  
14          ing the security requirements for the judicial branch of  
15          the United States Government.”.

16          (2) CONFORMING AMENDMENT.—Section 331  
17          of title 28, United States Code, is amended by add-  
18          ing at the end the following:

19          “The Judicial Conference shall consult and coordi-  
20          nate with the Director of United States Marshals Service  
21          on a continuing basis regarding the security requirements  
22          for the judicial branch of the United States Government.”.

23          (b) PROTECTION OF FAMILY MEMBERS.—Section  
24          105(b)(3) of the Ethics in Government Act of 1978 (5  
25          U.S.C. App.) is amended—

1           (1) in subparagraph (A), by inserting “or a  
2       family member of that individual” after “that indi-  
3       vidual”; and

4           (2) in subparagraph (B)(i), by inserting “or a  
5       family member of that individual” after “the re-  
6       port”.

7       (c) EXTENSION OF SUNSET PROVISION.—Section  
8   105(b)(3) of the Ethics in Government Act of 1978 (5  
9   U.S.C. App.) is amended by striking “2005” each place  
10   that term appears and inserting “2009”.

11       (d) PROTECTIONS AGAINST MALICIOUS RECORDING  
12   OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND  
13   FEDERAL LAW ENFORCEMENT OFFICERS.—

14           (1) OFFENSE.—Chapter 73 of title 18, United  
15       States Code, is amended by adding at the end the  
16       following:

17   **“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR**  
18                           **FEDERAL LAW ENFORCEMENT OFFICER BY**  
19                           **FALSE CLAIM OR SLANDER OF TITLE.**

20       “(a) Whoever files or attempts to file, in any public  
21       record or in any private record which is generally available  
22       to the public, any false lien or encumbrance against the  
23       real or personal property of a Federal judge or a Federal  
24       law enforcement official, on account of the performance  
25       of official duties by that Federal judge or Federal law en-

1   forcement official, knowing or having reason to know that  
 2   such lien or encumbrance is false or contains any materi-  
 3   ally false, fictitious, or fraudulent statement or representa-  
 4   tion, shall be fined under this title or imprisoned for not  
 5   more than 10 years, or both.

6       “(b) As used in this section—

7           “(1) the term ‘Federal judge’ means a justice  
 8       or judge of the United States as defined in section  
 9       451 of title 28, United States Code, a judge of the  
 10      United States Court of Federal Claims, a United  
 11      States bankruptcy judge, a United States magistrate  
 12      judge, and a judge of the United States Court of  
 13      Appeals for the Armed Forces, United States Court  
 14      of Appeals for Veterans Claims, United States Tax  
 15      Court, District Court of Guam, District Court of the  
 16      Northern Mariana Islands, or District Court of the  
 17      Virgin Islands; and

18          “(2) the term ‘Federal law enforcement officer’  
 19      has the meaning given that term in section 115 of  
 20      this title and includes an attorney who is an officer  
 21      or employee of the United States in the executive  
 22      branch of the Government.”.

23          (2) CLERICAL AMENDMENT.—The chapter anal-  
 24      ysis for chapter 73 of title 18, United States Code,

1 is amended by adding at the end the following new  
 2 item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”.

3 (e) PROTECTION OF INDIVIDUALS PERFORMING CER-  
 4 TAIN OFFICIAL DUTIES.—

5 (1) OFFENSE.—Chapter 7 of title 18, United  
 6 States Code, is amended by adding at the end the  
 7 following:

8 **“SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING**  
 9 **CERTAIN OFFICIAL DUTIES.**

10 “(a) Whoever knowingly makes restricted personal in-  
 11 formation about a covered official, or a member of the im-  
 12 mediate family of that covered official, publicly available,  
 13 with the intent that such restricted personal information  
 14 be used to kill, kidnap, or inflict bodily harm upon, or to  
 15 threaten to kill, kidnap, or inflict bodily harm upon, that  
 16 covered official, or a member of the immediate family of  
 17 that covered official, shall be fined under this title and  
 18 imprisoned not more than 5 years, or both.

19 “(b) As used in this section—

20 “(1) the term ‘restricted personal information’  
 21 means, with respect to an individual, the Social Se-  
 22 curity number, the home address, home phone num-  
 23 ber, mobile phone number, personal email, or home  
 24 fax number of, and identifiable to, that individual;

1 “(2) the term ‘covered official’ means—

2 “(A) an individual designated in section  
3 1114;

4 “(B) a Federal judge or Federal law en-  
5 forcement officer as those terms are defined in  
6 section 1521; or

7 “(C) a grand or petit juror, witness, or  
8 other officer in or of, any court of the United  
9 States, or an officer who may be serving at any  
10 examination or other proceeding before any  
11 United States magistrate judge or other com-  
12 mitting magistrate; and

13 “(3) the term ‘immediate family’ has the same  
14 meaning given that term in section 115(c)(2).”.

15 (2) CLERICAL AMENDMENT.—The chapter anal-  
16 ysis for chapter 7 of title 18, United States Code,  
17 is amended by adding at the end the following:

“Sec. 117. Domestic assault by an habitual offender.

“Sec. 118. Protection of individuals performing certain official duties.”.

18 (f) PROHIBITION OF POSSESSION OF DANGEROUS  
19 WEAPONS IN FEDERAL COURT FACILITIES.—Section  
20 930(e)(1) of title 18, United States Code, is amended by  
21 inserting “or other dangerous weapon” after “firearm”.

22 (g) CLARIFICATION OF VENUE FOR RETALIATION  
23 AGAINST A WITNESS.—Section 1513 of title 18, United

1 States Code, is amended by adding at the end the fol-  
 2 lowing:

3 “(g) A prosecution under this section may be brought  
 4 in the district in which the official proceeding (whether  
 5 or not pending, about to be instituted or completed) was  
 6 intended to be affected, or in which the conduct consti-  
 7 tuting the alleged offense occurred.”.

8 (h) WITNESS PROTECTION GRANT PROGRAM.—Title  
 9 I of the Omnibus Crime Control and Safe Streets Act of  
 10 1968 (42 U.S.C. 3711 et seq.) is amended by adding at  
 11 the end the following new part:

12 **“PART JJ—WITNESS PROTECTION GRANTS**

13 **“SEC. 3001. PROGRAM AUTHORIZED.**

14 “(a) IN GENERAL.—From amounts made available to  
 15 carry out this part, the Attorney General may make grants  
 16 to States, units of local government, and Indian tribes to  
 17 create and expand witness protection programs in order  
 18 to prevent threats, intimidation, and retaliation against  
 19 victims of, and witnesses to, crimes.

20 “(b) USES OF FUNDS.—Grants awarded under this  
 21 part shall be—

22 “(1) distributed directly to the State, unit of  
 23 local government, or Indian tribe; and



1           “(2) used for the creation and expansion of wit-  
2       ness protection programs in the jurisdiction of the  
3       grantee.

4           “(c) PREFERENTIAL CONSIDERATION.—In awarding  
5       grants under this part, the Attorney General may give  
6       preferential consideration, if feasible, to an application  
7       from a jurisdiction that—

8           “(1) has the greatest need for witness and vic-  
9       tim protection programs;

10          “(2) has a serious violent crime problem in the  
11       jurisdiction; and

12          “(3) has had, or is likely to have, instances of  
13       threats, intimidation, and retaliation against victims  
14       of, and witnesses to, crimes.

15          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
16       are authorized to be appropriated to carry out this section  
17       \$20,000,000 for each of fiscal years 2006 through 2010.”.

18          (i) GRANTS TO STATES TO PROTECT WITNESSES  
19       AND VICTIMS OF CRIMES.—

20               (1) IN GENERAL.—Section 31702 of the Violent  
21       Crime Control and Law Enforcement Act of 1994  
22       (42 U.S.C. 13862) is amended—

23                       (A) in paragraph (3), by striking “and” at  
24       the end;

1 (B) in paragraph (4), by striking the pe-  
 2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(5) to create and expand witness and victim  
 5 protection programs to prevent threats, intimidation,  
 6 and retaliation against victims of, and witnesses to,  
 7 violent crimes.”.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—  
 9 Section 31707 of the Violent Crime Control and  
 10 Law Enforcement Act of 1994 (42 U.S.C. 13867) is  
 11 amended to read as follows:

12 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated  
 14 \$20,000,000 for each of the fiscal years 2006 through  
 15 2010 to carry out this subtitle.”.

16 (j) ELIGIBILITY OF STATE COURTS FOR CERTAIN  
 17 FEDERAL GRANTS.—

18 (1) CORRECTIONAL OPTIONS GRANTS.—Section  
 19 515 of the Omnibus Crime Control and Safe Streets  
 20 Act of 1968 (42 U.S.C. 3762a) is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (2), by striking  
 23 “and” at the end;

24 (ii) in paragraph (3), by striking the  
 25 period and inserting “; and”; and

1 (iii) by adding at the end the fol-  
 2 lowing:

3 “(4) grants to State courts to improve security  
 4 for State and local court systems.”; and

5 (B) in subsection (b), by inserting after  
 6 the period the following:

7 “Priority shall be given to State court applicants under  
 8 subsection (a)(4) that have the greatest demonstrated  
 9 need to provide security in order to administer justice.”.

10 (2) ALLOCATIONS.—Section 516(a) of the Om-  
 11 nibus Crime Control and Safe Streets Act of 1968  
 12 (42 U.S.C. 3762b) is amended by—

13 (A) striking “80” and inserting “70”;

14 (B) striking “and 10” and inserting “10”;

15 and

16 (C) inserting before the period the fol-  
 17 lowing: “, and 10 percent for section  
 18 515(a)(4)”.

19 (k) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL  
 20 JUDGES LIFE INSURANCE.—

21 (1) BANKRUPTCY JUDGES.—Section 153 of title  
 22 28, United States Code, is amended by adding at  
 23 the end the following:

24 “(e) For purposes of construing and applying chapter  
 25 87 of title 5, United States Code, including any adjust-

1 ment of insurance rates by regulation or otherwise, a  
 2 bankruptcy judge of the United States in regular active  
 3 service or who is retired under section 377 of this title  
 4 shall be deemed to be a judge of the United States de-  
 5 scribed under section 8701(a)(5) of title 5.”.

6 (2) UNITED STATES MAGISTRATE JUDGES.—

7 Section 634(c) of title 28, United States Code, is  
 8 amended—

9 (A) by inserting “(1)” after “(c)”; and

10 (B) by adding at the end the following:

11 “(2) For purposes of construing and applying  
 12 chapter 87 of title 5, United States Code, including  
 13 any adjustment of insurance rates by regulation or  
 14 otherwise, a magistrate judge of the United States  
 15 in regular active service or who is retired under sec-  
 16 tion 377 of this title shall be deemed to be a judge  
 17 of the United States described under section  
 18 8701(a)(5) of title 5.”.

19 (3) TERRITORIAL JUDGES.—

20 (A) GUAM.—Section 24 of the Organic Act

21 of Guam (48 U.S.C. 1424b) is amended by add-

22 ing at the end the following:

23 “(c) For purposes of construing and applying chapter  
 24 87 of title 5, United States Code, including any adjust-  
 25 ment of insurance rates by regulation or otherwise, a

1 judge appointed under this section who is in regular active  
 2 service or who is retired under section 373 of title 28,  
 3 United States Code, shall be deemed to be a judge of the  
 4 United States described under section 8701(a)(5) of title  
 5 5.”.

6 (B) COMMONWEALTH OF THE NORTHERN  
 7 MARIANA ISLANDS.—Section 1(b) of the Act of  
 8 November 8, 1977 (48 U.S.C. 1821) is amend-  
 9 ed by adding at the end the following:

10 “(5) For purposes of construing and applying  
 11 chapter 87 of title 5, United States Code, including  
 12 any adjustment of insurance rates by regulation or  
 13 otherwise, a judge appointed under this section who  
 14 is in regular active service or who is retired under  
 15 section 373 of title 28, United States Code, shall be  
 16 deemed to be a judge of the United States described  
 17 under section 8701(a)(5) of title 5.”.

18 (C) VIRGIN ISLANDS.—Section 24(a) of  
 19 the Revised Organic Act of the Virgin Islands  
 20 (48 U.S.C. 1614(a)) is amended—

21 (i) by inserting “(1)” after “(a)”; and

22 (ii) by adding at the end the fol-  
 23 lowing:

24 “(2) For purposes of construing and applying  
 25 chapter 87 of title 5, United States Code, including

1       any adjustment of insurance rates by regulation or  
 2       otherwise, a judge appointed under this section who  
 3       is in regular active service or who is retired under  
 4       section 373 of title 28, United States Code, shall be  
 5       deemed to be a judge of the United States described  
 6       under section 8701(a)(5) of title 5.”.

7       (m) HEALTH INSURANCE FOR SURVIVING FAMILY  
 8       AND SPOUSES OF JUDGES.—Section 8901(3) of title 5,  
 9       United States Code, is amended—

10           (1) in subparagraph (C), by striking “; and”  
 11       and inserting a semicolon;

12           (2) in subparagraph (D), by adding “and” after  
 13       the semicolon; and

14           (3) by adding at the end the following:

15               “(E) a member of a family who is a sur-  
 16       vivor of—

17                   “(i) a Justice or judge of the United  
 18       States, as defined under section 451 of  
 19       title 28, United States Code;

20                   “(ii) a judge of the District Court of  
 21       Guam, the District Court of the Northern  
 22       Mariana Islands, or the District Court of  
 23       the Virgin Islands;

24                   “(iii) a judge of the United States  
 25       Court of Federal Claims; or

1                   “(iv) a United States bankruptcy  
2                   judge or a full-time United States mag-  
3                   istrate judge.”.

4 **SEC. 1087. SENSE OF THE SENATE ON DESTRUCTION OF**  
5 **CHEMICAL WEAPONS.**

6       (a) FINDINGS.—The Senate makes the following  
7 findings:

8           (1) The Convention on the Prohibition of the  
9       Development, Production, Stockpiling and Use of  
10      Chemical Weapons and on Their Destruction, done  
11      at Paris on January 13, 1993 (commonly referred to  
12      as the “Chemical Weapons Convention”), requires  
13      all United States chemical weapons stockpiles be de-  
14      stroyed by no later than the extended deadline of  
15      April 29, 2012.

16          (2) On April 10, 2006, the Department of De-  
17      fense notified Congress that the United States would  
18      not meet even the extended deadline under the  
19      Chemical Weapons Convention for destruction of  
20      United States chemical weapons stockpiles.

21          (3) Destroying existing chemical weapons is a  
22      homeland security imperative, an arms control pri-  
23      ority, and required by United States law.

24          (4) The elimination and nonproliferation of  
25      chemical weapons of mass destruction is of utmost

1 importance to the national security of the United  
2 States.

3 (b) SENSE OF THE SENATE.—It is the sense of the  
4 Senate that—

5 (1) the United States is committed to making  
6 every effort to safely dispose of its chemical weapons  
7 stockpiles by the Chemical Weapons Convention  
8 deadline of April 29, 2012, or as soon thereafter as  
9 possible, and will carry out all of its other obliga-  
10 tions under the Convention;

11 (2) the Secretary of Defense should prepare a  
12 comprehensive schedule for safely destroying the  
13 United States chemical weapons stockpiles to pre-  
14 vent further delays in the destruction of such stock-  
15 piles, and the schedule should be submitted annually  
16 to the congressional defense committees separately  
17 or as part of another required report; and

18 (3) the Secretary of Defense should make every  
19 effort to ensure adequate funding to complete the  
20 elimination of the United States chemical weapons  
21 stockpile in the shortest time possible, consistent  
22 with the requirement to protect public health, safety,  
23 and the environment.



1 **SEC. 1088. IMPROVED ACCOUNTABILITY FOR COMPETITIVE**  
 2 **CONTRACTING IN HURRICANE RECOVERY.**

3 The exceptions to full and open competition otherwise  
 4 available under paragraphs (2), (3), (4), and (5) of section  
 5 303(c) of the Federal Property and Administrative Serv-  
 6 ices Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2),  
 7 (3), (4), and (5) of section 2304(c) of title 10, United  
 8 States Code, shall not apply to Federal contracts worth  
 9 over \$500,000 for the procurement of property or services  
 10 in connection with relief and recovery efforts related to  
 11 Hurricane Katrina and the other hurricanes of the 2005  
 12 season.

13 **SEC. 1089. PROTECTION OF CERTAIN DISCLOSURES OF IN-**  
 14 **FORMATION BY FEDERAL EMPLOYEES.**

15 (a) **SHORT TITLE.**—This Act may be cited as the  
 16 “Federal Employee Protection of Disclosures Act”.

17 (b) **CLARIFICATION OF DISCLOSURES COVERED.**—  
 18 Section 2302(b)(8) of title 5, United States Code, is  
 19 amended—

20 (1) in subparagraph (A)—

21 (A) by striking “which the employee or ap-  
 22 plicant reasonably believes evidences” and in-  
 23 serting “, without restriction to time, place,  
 24 form, motive, context, or prior disclosure made  
 25 to any person by an employee or applicant, in-  
 26 cluding a disclosure made in the ordinary

1 course of an employee's duties, that the em-  
 2 ployee or applicant reasonably believes is evi-  
 3 dence of"; and

4 (B) in clause (i), by striking "a violation"  
 5 and inserting "any violation";

6 (2) in subparagraph (B)—

7 (A) by striking "which the employee or ap-  
 8 plicant reasonably believes evidences" and in-  
 9 serting " , without restriction to time, place,  
 10 form, motive, context, or prior disclosure made  
 11 to any person by an employee or applicant, in-  
 12 cluding a disclosure made in the ordinary  
 13 course of an employee's duties, of information  
 14 that the employee or applicant reasonably be-  
 15 lieves is evidence of"; and

16 (B) in clause (i), by striking "a violation"  
 17 and inserting "any violation (other than a viola-  
 18 tion of this section)"; and

19 (3) by adding at the end the following:

20 "(C) any disclosure that—

21 "(i) is made by an employee or appli-  
 22 cant of information required by law or Ex-  
 23 ecutive order to be kept secret in the inter-  
 24 est of national defense or the conduct of  
 25 foreign affairs that the employee or appli-

1 cant reasonably believes is direct and spe-  
2 cific evidence of—

3 “(I) any violation of any law,  
4 rule, or regulation;

5 “(II) gross mismanagement, a  
6 gross waste of funds, an abuse of au-  
7 thority, or a substantial and specific  
8 danger to public health or safety; or

9 “(III) a false statement to Con-  
10 gress on an issue of material fact; and  
11 “(ii) is made to—

12 “(I) a member of a committee of  
13 Congress having a primary responsi-  
14 bility for oversight of a department,  
15 agency, or element of the Federal  
16 Government to which the disclosed in-  
17 formation relates and who is author-  
18 ized to receive information of the type  
19 disclosed;

20 “(II) any other Member of Con-  
21 gress who is authorized to receive in-  
22 formation of the type disclosed; or

23 “(III) an employee of Congress  
24 who has the appropriate security

1 clearance and is authorized to receive  
 2 information of the type disclosed.”.

3 (c) COVERED DISCLOSURES.—Section 2302(a)(2) of  
 4 title 5, United States Code, is amended—

5 (1) in subparagraph (B)(ii), by striking “and”  
 6 at the end;

7 (2) in subparagraph (C)(iii), by striking the pe-  
 8 riod at the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(D) ‘disclosure’ means a formal or informal  
 11 communication or transmission, but does not include  
 12 a communication concerning policy decisions that  
 13 lawfully exercise discretionary authority unless the  
 14 employee providing the disclosure reasonably believes  
 15 that the disclosure evidences—

16 “(i) any violation of any law, rule, or regu-  
 17 lation; or

18 “(ii) gross mismanagement, a gross waste  
 19 of funds, an abuse of authority, or a substantial  
 20 and specific danger to public health or safety.”.

21 (d) REBUTTABLE PRESUMPTION.—Section 2302(b)  
 22 of title 5, United States Code, is amended by amending  
 23 the matter following paragraph (12) to read as follows:  
 24 “This subsection shall not be construed to authorize the  
 25 withholding of information from Congress or the taking

1 of any personnel action against an employee who discloses  
2 information to Congress, except that an employee or appli-  
3 cant may be disciplined for the disclosure of information  
4 described in paragraph (8)(C)(i) to a Member or employee  
5 of Congress who is not authorized to receive such informa-  
6 tion. For purposes of paragraph (8), any presumption re-  
7 lating to the performance of a duty by an employee who  
8 has authority to take, direct others to take, recommend,  
9 or approve any personnel action may be rebutted by sub-  
10 stantial evidence. For purposes of paragraph (8), a deter-  
11 mination as to whether an employee or applicant reason-  
12 ably believes that they have disclosed information that evi-  
13 dences any violation of law, rule, regulation, gross mis-  
14 management, a gross waste of funds, an abuse of author-  
15 ity, or a substantial and specific danger to public health  
16 or safety shall be made by determining whether a disin-  
17 terested observer with knowledge of the essential facts  
18 known to and readily ascertainable by the employee could  
19 reasonably conclude that the actions of the Government  
20 evidence such violations, mismanagement, waste, abuse, or  
21 danger.”.

22 (e) NONDISCLOSURE POLICIES, FORMS, AND AGREE-  
23 MENTS; SECURITY CLEARANCES; AND RETALIATORY IN-  
24 VESTIGATIONS.—

1           (1)           PERSONNEL           ACTION.—Section  
 2           2302(a)(2)(A) of title 5, United States Code, is  
 3           amended—

4                   (A) in clause (x), by striking “and” after  
 5           the semicolon; and

6                   (B) by redesignating clause (xi) as clause  
 7           (xiv) and inserting after clause (x) the fol-  
 8           lowing:

9                   “(xi) the implementation or enforce-  
 10           ment of any nondisclosure policy, form, or  
 11           agreement;

12                   “(xii) a suspension, revocation, or  
 13           other determination relating to a security  
 14           clearance or any other access determina-  
 15           tion by a covered agency;

16                   “(xiii) an investigation, other than  
 17           any ministerial or nondiscretionary fact  
 18           finding activities necessary for the agency  
 19           to perform its mission, of an employee or  
 20           applicant for employment because of any  
 21           activity protected under this section; and”

22           (2) PROHIBITED PERSONNEL PRACTICE.—Sec-  
 23           tion 2302(b) of title 5, United States Code, is  
 24           amended—

1 (A) in paragraph (11), by striking “or” at  
2 the end;

3 (B) in paragraph (12), by striking the pe-  
4 riod and inserting a semicolon; and

5 (C) by inserting after paragraph (12) the  
6 following:

7 “(13) implement or enforce any nondisclosure  
8 policy, form, or agreement, if such policy, form, or  
9 agreement does not contain the following statement:  
10 ‘These provisions are consistent with and do not su-  
11 persede, conflict with, or otherwise alter the em-  
12 ployee obligations, rights, or liabilities created by  
13 Executive Order No. 12958; section 7211 of title 5,  
14 United States Code (governing disclosures to Con-  
15 gress); section 1034 of title 10, United States Code  
16 (governing disclosure to Congress by members of the  
17 military); section 2302(b)(8) of title 5, United  
18 States Code (governing disclosures of illegality,  
19 waste, fraud, abuse, or public health or safety  
20 threats); the Intelligence Identities Protection Act of  
21 1982 (50 U.S.C. 421 et seq.) (governing disclosures  
22 that could expose confidential Government agents);  
23 and the statutes which protect against disclosures  
24 that could compromise national security, including  
25 sections 641, 793, 794, 798, and 952 of title 18,

1 United States Code, and section 4(b) of the Subver-  
 2 sive Activities Control Act of 1950 (50 U.S.C.  
 3 783(b)). The definitions, requirements, obligations,  
 4 rights, sanctions, and liabilities created by such Ex-  
 5 ecutive order and such statutory provisions are in-  
 6 corporated into this agreement and are controlling’;  
 7 or

8 “(14) conduct, or cause to be conducted, an in-  
 9 vestigation, other than any ministerial or nondis-  
 10 cretionary fact finding activities necessary for the  
 11 agency to perform its mission, of an employee or ap-  
 12 plicant for employment because of any activity pro-  
 13 tected under this section.”.

14 (3) BOARD AND COURT REVIEW OF ACTIONS  
 15 RELATING TO SECURITY CLEARANCES.—

16 (A) IN GENERAL.—Chapter 77 of title 5,  
 17 United States Code, is amended by inserting  
 18 after section 7702 the following:

19 **“§ 7702a. Actions relating to security clearances**

20 “(a) In any appeal relating to the suspension, revoca-  
 21 tion, or other determination relating to a security clear-  
 22 ance or access determination, the Merit Systems Protec-  
 23 tion Board or any reviewing court—

24 “(1) shall determine whether paragraph (8) or  
 25 (9) of section 2302(b) was violated;



1           “(2) may not order the President or the des-  
2           ignee of the President to restore a security clearance  
3           or otherwise reverse a determination of clearance  
4           status or reverse an access determination; and

5           “(3) subject to paragraph (2), may issue declar-  
6           atory relief and any other appropriate relief.

7           “(b)(1) If, in any final judgment, the Board or court  
8           declares that any suspension, revocation, or other deter-  
9           mination with regard to a security clearance or access de-  
10          termination was made in violation of paragraph (8) or (9)  
11          of section 2302(b), the affected agency shall conduct a re-  
12          view of that suspension, revocation, access determination,  
13          or other determination, giving great weight to the Board  
14          or court judgment.

15          “(2) Not later than 30 days after any Board or court  
16          judgment declaring that a security clearance suspension,  
17          revocation, access determination, or other determination  
18          was made in violation of paragraph (8) or (9) of section  
19          2302(b), the affected agency shall issue an unclassified re-  
20          port to the congressional committees of jurisdiction (with  
21          a classified annex if necessary), detailing the cir-  
22          cumstances of the agency’s security clearance suspension,  
23          revocation, other determination, or access determination.  
24          A report under this paragraph shall include any proposed

1 agency action with regard to the security clearance or ac-  
 2 cess determination.

3 “(c) An allegation that a security clearance or access  
 4 determination was revoked or suspended in retaliation for  
 5 a protected disclosure shall receive expedited review by the  
 6 Office of Special Counsel, the Merit Systems Protection  
 7 Board, and any reviewing court.

8 “(d) For purposes of this section, corrective action  
 9 may not be ordered if the agency demonstrates by a pre-  
 10 ponderance of the evidence that it would have taken the  
 11 same personnel action in the absence of such disclosure.”.

12 (B) TECHNICAL AND CONFORMING AMEND-  
 13 MENT.—The table of sections for chapter 77 of  
 14 title 5, United States Code, is amended by in-  
 15 serting after the item relating to section 7702  
 16 the following:

“7702a. Actions relating to security clearances.”.

17 (f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—  
 18 Section 2302(a)(2)(C) of title 5, United States Code, is  
 19 amended by striking clause (ii) and inserting the following:

20 “(ii)(I) the Federal Bureau of Investiga-  
 21 tion, the Central Intelligence Agency, the De-  
 22 fense Intelligence Agency, the National Imagery  
 23 and Mapping Agency, the National Security  
 24 Agency; and

1           “(II) as determined by the President, any  
 2           executive agency or unit thereof the principal  
 3           function of which is the conduct of foreign in-  
 4           telligence or counterintelligence activities, if the  
 5           determination (as that determination relates to  
 6           a personnel action) is made before that per-  
 7           sonnel action; or”.

8           (g) ATTORNEY FEES.—Section 1204(m)(1) of title 5,  
 9           United States Code, is amended by striking “agency in-  
 10          volved” and inserting “agency where the prevailing party  
 11          is employed or has applied for employment”.

12          (h) DISCIPLINARY ACTION.—Section 1215(a)(3) of  
 13          title 5, United States Code, is amended to read as follows:

14                 “(3)(A) A final order of the Board may  
 15          impose—

16                         “(i) disciplinary action consisting of re-  
 17                         moval, reduction in grade, debarment from  
 18                         Federal employment for a period not to exceed  
 19                         5 years, suspension, or reprimand;

20                         “(ii) an assessment of a civil penalty not to  
 21                         exceed \$1,000; or

22                         “(iii) any combination of disciplinary ac-  
 23                         tions described under clause (i) and an assess-  
 24                         ment described under clause (ii).

1           “(B) In any case in which the Board finds that  
 2           an employee has committed a prohibited personnel  
 3           practice under paragraph (8) or (9) of section  
 4           2302(b), the Board shall impose disciplinary action  
 5           if the Board finds that the activity protected under  
 6           paragraph (8) or (9) of section 2302(b) was a sig-  
 7           nificant motivating factor, even if other factors also  
 8           motivated the decision, for the employee’s decision to  
 9           take, fail to take, or threaten to take or fail to take  
 10          a personnel action, unless that employee dem-  
 11          onstrates, by preponderance of evidence, that the  
 12          employee would have taken, failed to take, or threat-  
 13          ened to take or fail to take the same personnel ac-  
 14          tion, in the absence of such protected activity.”.

15          (i) SPECIAL COUNSEL AMICUS CURIAE APPEAR-  
 16          ANCE.—Section 1212 of title 5, United States Code, is  
 17          amended by adding at the end the following:

18          “(h)(1) The Special Counsel is authorized to appear  
 19          as amicus curiae in any action brought in a court of the  
 20          United States related to any civil action brought in con-  
 21          nection with section 2302(b) (8) or (9), or subchapter III  
 22          of chapter 73, or as otherwise authorized by law. In any  
 23          such action, the Special Counsel is authorized to present  
 24          the views of the Special Counsel with respect to compli-  
 25          ance with section 2302(b) (8) or (9) or subchapter III of

1 chapter 73 and the impact court decisions would have on  
2 the enforcement of such provisions of law.

3 “(2) A court of the United States shall grant the ap-  
4 plication of the Special Counsel to appear in any such ac-  
5 tion for the purposes described in subsection (a).”.

6 (j) JUDICIAL REVIEW.—

7 (1) IN GENERAL.—Section 7703(b)(1) of title  
8 5, United States Code, is amended to read as fol-  
9 lows:

10 “(b)(1)(A) Except as provided in subparagraph (B)  
11 and paragraph (2), a petition to review a final order or  
12 final decision of the Board shall be filed in the United  
13 States Court of Appeals for the Federal Circuit. Notwith-  
14 standing any other provision of law, any petition for re-  
15 view must be filed within 60 days after the date the peti-  
16 tioner received notice of the final order or decision of the  
17 Board.

18 “(B) During the 5-year period beginning on the effec-  
19 tive date of the Federal Employee Protection of Disclo-  
20 sures Act, a petition to review a final order or final deci-  
21 sion of the Board in a case alleging a violation of para-  
22 graph (8) or (9) of section 2302(b) shall be filed in the  
23 United States Court of Appeals for the Federal Circuit  
24 or any court of appeals of competent jurisdiction as pro-  
25 vided under subsection (b)(2).”.

1           (2) REVIEW OBTAINED BY OFFICE OF PER-  
2       SONNEL MANAGEMENT.—Section 7703(d) of title 5,  
3       United States Code, is amended to read as follows:  
4       “(d)(1) Except as provided under paragraph (2), this  
5       paragraph shall apply to any review obtained by the Direc-  
6       tor of the Office of Personnel Management. The Director  
7       of the Office of Personnel Management may obtain review  
8       of any final order or decision of the Board by filing, within  
9       60 days after the date the Director received notice of the  
10      final order or decision of the Board, a petition for judicial  
11      review in the United States Court of Appeals for the Fed-  
12      eral Circuit if the Director determines, in his discretion,  
13      that the Board erred in interpreting a civil service law,  
14      rule, or regulation affecting personnel management and  
15      that the Board’s decision will have a substantial impact  
16      on a civil service law, rule, regulation, or policy directive.  
17      If the Director did not intervene in a matter before the  
18      Board, the Director may not petition for review of a Board  
19      decision under this section unless the Director first peti-  
20      tions the Board for a reconsideration of its decision, and  
21      such petition is denied. In addition to the named respond-  
22      ent, the Board and all other parties to the proceedings  
23      before the Board shall have the right to appear in the pro-  
24      ceeding before the Court of Appeals. The granting of the

1 petition for judicial review shall be at the discretion of the  
2 Court of Appeals.

3       “(2) During the 5-year period beginning on the effec-  
4 tive date of the Federal Employee Protection of Disclo-  
5 sures Act, this paragraph shall apply to any review relat-  
6 ing to paragraph (8) or (9) of section 2302(b) obtained  
7 by the Director of the Office of Personnel Management.  
8 The Director of the Office of Personnel Management may  
9 obtain review of any final order or decision of the Board  
10 by filing, within 60 days after the date the Director re-  
11 ceived notice of the final order or decision of the Board,  
12 a petition for judicial review in the United States Court  
13 of Appeals for the Federal Circuit or any court of appeals  
14 of competent jurisdiction as provided under subsection  
15 (b)(2) if the Director determines, in his discretion, that  
16 the Board erred in interpreting paragraph (8) or (9) of  
17 section 2302(b). If the Director did not intervene in a  
18 matter before the Board, the Director may not petition  
19 for review of a Board decision under this section unless  
20 the Director first petitions the Board for a reconsideration  
21 of its decision, and such petition is denied. In addition  
22 to the named respondent, the Board and all other parties  
23 to the proceedings before the Board shall have the right  
24 to appear in the proceeding before the court of appeals.

1 The granting of the petition for judicial review shall be  
 2 at the discretion of the Court of Appeals.”.

3 (k) NONDISCLOSURE POLICIES, FORMS, AND AGREE-  
 4 MENTS.—

5 (1) IN GENERAL.—

6 (A) REQUIREMENT.—Each agreement in  
 7 Standard Forms 312 and 4414 of the Govern-  
 8 ment and any other nondisclosure policy, form,  
 9 or agreement of the Government shall contain  
 10 the following statement: “These restrictions are  
 11 consistent with and do not supersede, conflict  
 12 with, or otherwise alter the employee obliga-  
 13 tions, rights, or liabilities created by Executive  
 14 Order No. 12958; section 7211 of title 5,  
 15 United States Code (governing disclosures to  
 16 Congress); section 1034 of title 10, United  
 17 States Code (governing disclosure to Congress  
 18 by members of the military); section 2302(b)(8)  
 19 of title 5, United States Code (governing disclo-  
 20 sures of illegality, waste, fraud, abuse or public  
 21 health or safety threats); the Intelligence Iden-  
 22 tities Protection Act of 1982 (50 U.S.C. 421 et  
 23 seq.) (governing disclosures that could expose  
 24 confidential Government agents); and the stat-  
 25 utes which protect against disclosure that may



1           compromise the national security, including sec-  
2           tions 641, 793, 794, 798, and 952 of title 18,  
3           United States Code, and section 4(b) of the  
4           Subversive Activities Act of 1950 (50 U.S.C.  
5           783(b)). The definitions, requirements, obliga-  
6           tions, rights, sanctions, and liabilities created  
7           by such Executive order and such statutory  
8           provisions are incorporated into this agreement  
9           and are controlling.”.

10           (B) ENFORCEABILITY.—Any nondisclosure  
11           policy, form, or agreement described under sub-  
12           paragraph (A) that does not contain the state-  
13           ment required under subparagraph (A) may not  
14           be implemented or enforced to the extent such  
15           policy, form, or agreement is inconsistent with  
16           that statement.

17           (2) PERSONS OTHER THAN GOVERNMENT EM-  
18           PLOYEES.—Notwithstanding paragraph (1), a non-  
19           disclosure policy, form, or agreement that is to be  
20           executed by a person connected with the conduct of  
21           an intelligence or intelligence-related activity, other  
22           than an employee or officer of the United States  
23           Government, may contain provisions appropriate to  
24           the particular activity for which such document is to  
25           be used. Such form or agreement shall, at a min-

1        imum, require that the person will not disclose any  
 2        classified information received in the course of such  
 3        activity unless specifically authorized to do so by the  
 4        United States Government. Such nondisclosure  
 5        forms shall also make it clear that such forms do  
 6        not bar disclosures to Congress or to an authorized  
 7        official of an executive agency or the Department of  
 8        Justice that are essential to reporting a substantial  
 9        violation of law.

10       (l) CLARIFICATION OF WHISTLEBLOWER RIGHTS  
 11       FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section  
 12       214(c) of the Homeland Security Act of 2002 (6 U.S.C.  
 13       133(c)) is amended by adding at the end the following:  
 14       “For purposes of this section a permissible use of inde-  
 15       pendently obtained information includes the disclosure of  
 16       such information under section 2302(b)(8) of title 5,  
 17       United States Code.”.

18       (m) ADVISING EMPLOYEES OF RIGHTS.—Section  
 19       2302(c) of title 5, United States Code, is amended by in-  
 20       serting “, including how to make a lawful disclosure of  
 21       information that is specifically required by law or Execu-  
 22       tive order to be kept secret in the interest of national de-  
 23       fense or the conduct of foreign affairs to the Special Coun-  
 24       sel, the Inspector General of an agency, Congress, or other

1 agency employee designated to receive such disclosures”  
 2 after “chapter 12 of this title”.

3 (n) SCOPE OF DUE PROCESS.—

4 (1) SPECIAL COUNSEL.—Section  
 5 1214(b)(4)(B)(ii) of title 5, United States Code, is  
 6 amended by inserting “, after a finding that a pro-  
 7 tected disclosure was a contributing factor,” after  
 8 “ordered if”.

9 (2) INDIVIDUAL ACTION.—Section 1221(e)(2)  
 10 of title 5, United States Code, is amended by insert-  
 11 ing “, after a finding that a protected disclosure was  
 12 a contributing factor,” after “ordered if”.

13 (o) EFFECTIVE DATE.—This Act shall take effect 30  
 14 days after the date of enactment of this Act.

15 **SEC. 1090. SENSE OF CONGRESS REGARDING THE MEN AND**  
 16 **WOMEN OF THE ARMED FORCES OF THE**  
 17 **UNITED STATES IN IRAQ.**

18 (a) FINDINGS.—Congress makes the following find-  
 19 ings:

20 (1) In 2003, members of the Armed Forces of  
 21 the United States successfully liberated the people of  
 22 Iraq from the tyrannical regime of Saddam Hussein.

23 (2) Members of the Armed Forces of the  
 24 United States have bravely risked their lives every-  
 25 day over the last 3 years to protect the people of

1 Iraq from terror attacks by Al Qaeda and other ex-  
2 tremist organizations.

3 (3) Members of the Armed Forces of the  
4 United States have conducted dozens of operations  
5 with coalition forces to track, apprehend, and elimi-  
6 nate terrorists in Iraq.

7 (4) Members of the Armed Forces of the  
8 United States have helped sustain political progress  
9 in Iraq by assisting the people of Iraq as they exer-  
10 cised their right to choose their leaders and draft  
11 their own constitution.

12 (5) Members of the Armed Forces of the  
13 United States have taught over 150,000 soldiers of  
14 Iraq to respect civilian authority, conduct counter-in-  
15 surgency operations, provide meaningful security,  
16 and protect the people of Iraq from terror attacks.

17 (6) Members of the Armed Forces of the  
18 United States have built new schools, hospitals, and  
19 public works throughout Iraq.

20 (7) Members of the Armed Forces of the  
21 United States have helped rebuild Iraq's dilapidated  
22 energy sector.

23 (8) Members of the Armed Forces of the  
24 United States have restored electrical power and  
25 sewage waste treatment for the people of Iraq.

1           (9) Members of the Armed Forces of the  
2       United States have established lasting and produc-  
3       tive relationships with local leaders in Iraq and se-  
4       cured the support of a majority of the populace of  
5       Iraq.

6           (10) Members of the Armed Forces of the  
7       United States have courageously endured sophisti-  
8       cated terror tactics, including deadly car-bombs,  
9       sniper attacks, and improvised explosive devices.

10          (11) Members of the Armed Forces of the  
11       United States have paid a high cost in order to de-  
12       feat the terrorists, defend innocent civilians, and  
13       protect democracy from those who desire the return  
14       of oppression and extremism to Iraq.

15          (12) Members of the Armed Forces of the  
16       United States have performed their duty in Iraq  
17       with an unflagging commitment to the highest ideals  
18       and traditions of the United States and the Armed  
19       Forces.

20       (b) SENSE OF CONGRESS.—It is the sense of Con-  
21   gress that—

22           (1) the men and women in uniform of the  
23       Armed Forces of the United States in Iraq should  
24       be commended for their on-going service to the  
25       United States, their commitment to the ideals of the

1 United States, and their determination to win the  
2 Global War on Terrorism;

3 (2) gratitude should be expressed to the fami-  
4 lies of the Armed Forces of the United States, espe-  
5 cially those families who have lost loved ones in  
6 Operational Iraqi Freedom; and

7 (3) the people of the United States should  
8 honor those who have paid the ultimate sacrifice and  
9 assist those families who have loved ones in the  
10 Armed Forces of the United States deployed over-  
11 seas.

12 **SEC. 1091. EXTENSION OF RETURNING WORKER EXEMP-**  
13 **TION.**

14 Section 402(b)(1) of the Save Our Small and Sea-  
15 sonal Businesses Act of 2005 (title IV of division B of  
16 Public Law 109–13; 8 U.S.C. 1184 note) is amended by  
17 striking “2006” and inserting “2008”.

18 **SEC. 1092. LIMITATION ON THE UNITED STATES SHARE OF**  
19 **ASSESSMENTS FOR UNITED NATIONS PEACE-**  
20 **KEEPING OPERATIONS.**

21 (a) IN GENERAL.—Section 404(b)(2)(B) of the For-  
22 eign Relations Authorization Act, Fiscal Years 1994 and  
23 1995 (22 U.S.C. 287e note) is amended by adding at the  
24 end the following:

1                   “(v) For assessments made during  
 2                   calendar years 2005, 2006, and 2007,  
 3                   27.10 percent.”.

4           (b) CONFORMING AMENDMENT.—Section 411 of the  
 5 Department of State and Related Agency Appropriations  
 6 Act, 2005 (title IV of division B of Public Law 108–447;  
 7 22 U.S.C. 287e note) is repealed.

8 **SEC. 1093. TERMINATION OF PROGRAM.**

9           Section 711(c) of the Small Business Competitive  
 10 Demonstration Program Act of 1988 (15 U.S.C. 644 note)  
 11 is amended by inserting after “January 1, 1989” the fol-  
 12 lowing: “, and shall terminate on the date of enactment  
 13 of the National Defense Authorization Act for Fiscal Year  
 14 2007”.

15 **SEC. 1094. PATENT TERM EXTENSIONS FOR THE BADGES**  
 16 **OF THE AMERICAN LEGION, THE AMERICAN**  
 17 **LEGION WOMEN’S AUXILIARY, AND THE SONS**  
 18 **OF THE AMERICAN LEGION.**

19           (a) PATENT TERM EXTENSION FOR THE BADGE OF  
 20 THE AMERICAN LEGION.—The term of a certain design  
 21 patent numbered 54,296 (for the badge of the American  
 22 Legion) is renewed and extended for a period of 14 years  
 23 beginning on the date of enactment of this Act, with all  
 24 the rights and privileges pertaining to such patent.

1 (b) PATENT TERM EXTENSION FOR THE BADGE OF  
 2 THE AMERICAN LEGION WOMEN'S AUXILIARY.—The  
 3 term of a certain design patent numbered 55,398 (for the  
 4 badge of the American Legion Women's Auxiliary) is re-  
 5 newed and extended for a period of 14 years beginning  
 6 on the date of enactment of this Act, with all the rights  
 7 and privileges pertaining to such patent.

8 (c) PATENT TERM EXTENSION FOR THE BADGE OF  
 9 THE SONS OF THE AMERICAN LEGION.—The term of a  
 10 certain design patent numbered 92,187 (for the badge of  
 11 the Sons of the American Legion) is renewed and extended  
 12 for a period of 14 years beginning on the date of enact-  
 13 ment of this Act, with all the rights and privileges per-  
 14 taining to such patent.

15 **SEC. 1095. AVAILABILITY OF FUNDS FOR SOUTH COUNTY**  
 16 **COMMUTER RAIL PROJECT, PROVIDENCE,**  
 17 **RHODE ISLAND.**

18 Funds available for the South County Commuter Rail  
 19 project, Providence, Rhode Island, authorized by para-  
 20 graphs (34) and (35) of section 3034(d) of the Safe, Ac-  
 21 countable, Flexible, Efficient Transportation Equity Act:  
 22 A Legacy for Users (Public Law 109–59; 119 Stat. 1650)  
 23 shall be available for the purchase of commuter rail equip-  
 24 ment for the South County Commuter Rail project upon  
 25 the receipt by the Rhode Island Department of Transpor-



1 tation of an approved environmental assessment for the  
 2 South County Commuter Rail project.

3 **SEC. 1096. SENSE OF CONGRESS ON IRAQ SUMMIT.**

4       SENSE OF CONGRESS.—It is the sense of Congress  
 5 that the President should convene a summit as soon as  
 6 possible that includes the leaders of the Government of  
 7 Iraq, leaders of the governments of each country bordering  
 8 Iraq, representatives of the Arab League, the Secretary  
 9 General of the North Atlantic Treaty Organization, rep-  
 10 resentatives of the European Union, and leaders of the  
 11 governments of each permanent member of the United  
 12 Nations Security Council, for the purpose of reaching a  
 13 comprehensive political agreement for Iraq that addresses  
 14 fundamental issues including federalism, oil revenues, the  
 15 militias, security guarantees, reconstruction, economic as-  
 16 sistance, and border security.

17 **TITLE XI—DEPARTMENT OF DE-**  
 18 **FENSE CIVILIAN PERSONNEL**  
 19 **POLICY**

20 **SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF**  
 21 **THE UNIFORMED SERVICES ON TERMINAL**  
 22 **LEAVE PERFORMING DUAL EMPLOYMENT.**

23       Section 5534a of title 5, United States Code, is  
 24 amended by adding at the end the following new sentence:  
 25 “Such a member is also entitled to accrue annual leave

1 with pay in the manner specified in section 6303(a) of this  
 2 title for a retired member of the uniformed services.”.

3 **SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MAN-**  
 4 **AGEMENT, FUNCTIONAL, AND TECHNICAL**  
 5 **WORKFORCE OF THE DEPARTMENT OF DE-**  
 6 **FENSE.**

7 (a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL  
 8 PLAN.—The Secretary of Defense shall include in the  
 9 March 1, 2007, Strategic Human Capital Plan required  
 10 by section 1122(c) of the National Defense Authorization  
 11 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
 12 3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape  
 13 and improve the senior management, functional, and tech-  
 14 nical workforce (including scientists and engineers) of the  
 15 Department of Defense.

16 (b) SCOPE OF PLAN.—The strategic plan required by  
 17 subsection (a) shall cover, at a minimum, the following  
 18 categories of Department of Defense civilian personnel:

19 (1) Appointees in the senior executive service  
 20 under section 3131 of title 5, United States Code.

21 (2) Persons serving in positions described in  
 22 section 5376(a) of title 5, United States Code.

23 (3) Highly qualified experts appointed pursuant  
 24 to section 9903 of title 5, United States Code.

1           (4) Scientists and engineers appointed pursuant  
 2           to section 342(b) of the National Defense Authoriza-  
 3           tion Act for Fiscal Year 1995 (Public Law 103–337;  
 4           108 Stat. 2721), as amended by section 1114 of the  
 5           Floyd D. Spence National Defense Authorization  
 6           Act for Fiscal Year 2001 (as enacted into by law by  
 7           Public Law 106–398 (114 Stat. 1654A–315)).

8           (5) Scientists and engineers appointed pursuant  
 9           to section 1101 of the Strom Thurmond National  
 10          Defense Authorization Act for Fiscal Year 1999 (5  
 11          U.S.C. 3104 note).

12          (6) Persons serving in the Defense Intelligence  
 13          Senior Executive Service under section 1606 of title  
 14          10, United States Code.

15          (7) Persons serving in Intelligence Senior Level  
 16          positions under section 1607 of title 10, United  
 17          States Code.

18          (c) CONTENTS OF PLAN.—The strategic plan re-  
 19          quired by subsection (a) shall include—

20               (1) an assessment of—

21                   (A) the needs of the Department of De-  
 22                   fense for senior management, functional, and  
 23                   technical personnel (including scientists and en-  
 24                   gineers) in light of recent trends and projected  
 25                   changes in the mission and organization of the

1 Department and in light of staff support needed  
2 to accomplish that mission;

3 (B) the capability of the existing civilian  
4 employee workforce of the Department to meet  
5 requirements relating to the mission of the De-  
6 partment, including the impact on that capa-  
7 bility of projected trends in the senior manage-  
8 ment, functional, and technical personnel work-  
9 force of the Department based on expected  
10 losses due to retirement and other attrition; and

11 (C) gaps in the existing or projected civil-  
12 ian employee workforce of the Department that  
13 should be addressed to ensure that the Depart-  
14 ment has continued access to the senior man-  
15 agement, functional, and technical personnel  
16 (including scientists and engineers) it needs;  
17 and

18 (2) a plan of action for developing and reshap-  
19 ing the senior management, functional, and technical  
20 workforce of the Department to address the gaps  
21 identified under paragraph (1)(C), including—

22 (A) any legislative or administrative action  
23 that may be needed to adjust the requirements  
24 applicable to any category of civilian personnel  
25 identified in subsection (b) or to establish a new

1 category of senior management or technical per-  
2 sonnel;

3 (B) any changes in the number of per-  
4 sonnel authorized in any category of personnel  
5 identified in subsection (b) that may be needed  
6 to address such gaps and effectively meet the  
7 needs of the Department;

8 (C) any changes in the rates or methods of  
9 pay for any category of personnel identified in  
10 subsection (b) that may be needed to address  
11 inequities and ensure that the Department has  
12 full access to appropriately qualified personnel  
13 to address such gaps and meet the needs of the  
14 Department;

15 (D) specific recruiting and retention goals,  
16 including the program objectives of the Depart-  
17 ment to be achieved through such goals;

18 (E) specific strategies for development,  
19 training, deploying, compensating, motivating,  
20 and designing career paths and career opportu-  
21 nities for the senior management, functional,  
22 and technical workforce of the Department, in-  
23 cluding the program objectives of the Depart-  
24 ment to be achieved through such strategies;  
25 and

1 (F) specific steps that the Department has  
2 taken or plans to take to ensure that the senior  
3 management, functional, and technical work-  
4 force of the Department is managed in compli-  
5 ance with the requirements of section 129 of  
6 title 10, United States Code.

7 **SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENE-**  
8 **FITS, AND GRATUITIES OF PERSONNEL ON**  
9 **OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) As part of the United States effort to bring  
13 democracy and freedom to Iraq and Afghanistan,  
14 employees of a broad range of Federal agencies are  
15 needed to serve in those countries, furnishing exper-  
16 tise to their counterpart agencies in the Government  
17 of Iraq and the Government of Afghanistan.

18 (2) While the heads of a number of Federal  
19 agencies already possess authority to provide to their  
20 personnel on official duty abroad allowances, bene-  
21 fits, and death gratuities comparable to those pro-  
22 vided by the Secretary of State to similarly-situated  
23 Foreign Service personnel on official duty abroad,  
24 other agency heads do not possess such authority.

1           (3) In order to assist the United States Govern-  
2           ment in recruiting personnel to serve in Iraq and Af-  
3           ghanistan, and to avoid inequities in allowances,  
4           benefits, and death gratuities among similarly-situ-  
5           ated United States Government civilian personnel on  
6           official duty in these countries, it is essential that  
7           the heads of all agencies that have personnel on offi-  
8           cial duty in Iraq and Afghanistan have the same  
9           basic authority with respect to allowances, benefits,  
10          and death gratuities for such personnel.

11          (b) IN GENERAL.—During any fiscal year, the head  
12          of an agency may, in the agency head's discretion, provide  
13          to an individual employed by, or assigned or detailed to,  
14          such agency allowances, benefits, and gratuities com-  
15          parable to those provided by the Secretary of State to  
16          members of the Foreign Service under section 413 and  
17          chapter 9 of title I of the Foreign Service Act of 1980  
18          (22 U.S.C. 3973; 4081 et seq.), if such individual is on  
19          official duty in Iraq or Afghanistan.

20          (c) CONSTRUCTION.—Nothing in this section shall be  
21          construed to impair or otherwise affect the authority of  
22          the head of an agency under any other provision of law.

1 **SEC. 1104. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS**  
2 **FOR FAMILY MEMBERS OF INDIVIDUALS PER-**  
3 **FORMING CERTAIN MILITARY SERVICE.**

4 (a) **FEDERAL EMPLOYEES PROGRAM.**—

5 (1) **DEFINITIONS.**—In this subsection:

6 (A) **CAREGIVER.**—The term “caregiver”  
7 means an individual who—

8 (i) is an employee;

9 (ii) is at least 21 years of age; and

10 (iii) is capable of self care and care of  
11 children or other dependent family mem-  
12 bers of a qualified member of the Armed  
13 Forces.

14 (B) **COVERED PERIOD OF SERVICE.**—The  
15 term “covered period of service” means any pe-  
16 riod of service performed by an employee as a  
17 caregiver while the individual who designated  
18 the caregiver under paragraph (3) remains a  
19 qualified member of the Armed Forces.

20 (C) **EMPLOYEE.**—The term “employee”  
21 has the meaning given under section 6331 of  
22 title 5, United States Code.

23 (D) **FAMILY MEMBER.**—The term “family  
24 member” includes—

25 (i) individuals for whom the qualified  
26 member of the Armed Forces provides



1 medical, financial, and logistical support  
2 (such as housing, food, clothing, or trans-  
3 portation); and

4 (ii) children under the age of 19  
5 years, elderly adults, persons with disabil-  
6 ities, and other persons who are unable to  
7 care for themselves in the absence of the  
8 qualified member of the Armed Forces.

9 (E) QUALIFIED MEMBER OF THE ARMED  
10 FORCES.—The term “qualified member of the  
11 Armed Forces” means—

12 (i) a member of a reserve component  
13 of the Armed Forces as described under  
14 section 10101 of title 10, United States  
15 Code, who has received notice to report to,  
16 or is serving on, active duty in the Armed  
17 Forces in support of a contingency oper-  
18 ation as defined under section 101(a)(13)  
19 of title 10, United States Code; or

20 (ii) a member of the Armed Forces on  
21 active duty who is eligible for hostile fire  
22 or imminent danger special pay under sec-  
23 tion 310 of title 37, United States Code.

1           (2) ESTABLISHMENT OF PROGRAM.—The Office  
2 of Personnel Management shall establish a program  
3 to authorize a caregiver to—

4           (A) use any sick leave of that caregiver  
5 during a covered period of service in the same  
6 manner and to the same extent as annual leave  
7 is used; and

8           (B) use any leave available to that care-  
9 giver under subchapter III or IV of chapter 63  
10 of title 5, United States Code, during a covered  
11 period of service as though that covered period  
12 of service is a medical emergency.

13       (3) DESIGNATION OF CAREGIVER.—

14           (A) IN GENERAL.—A qualified member of  
15 the Armed Forces shall submit a written des-  
16 ignation of the individual who is the caregiver  
17 for any family member of that member of the  
18 Armed Forces during a covered period of serv-  
19 ice to the employing agency and the Office of  
20 Personnel Management.

21           (B) DESIGNATION OF SPOUSE.—Notwith-  
22 standing paragraph (1)(A)(ii), an individual  
23 less than 21 years of age may be designated as  
24 a caregiver if that individual is the spouse of

1           the qualified member of the Armed Forces mak-  
2           ing the designation.

3           (4) USE OF CAREGIVER LEAVE.—Leave may  
4           only be used under this subsection for purposes di-  
5           rectly relating to, or resulting from, the designation  
6           of an employee as a caregiver.

7           (5) REGULATIONS.—Not later than 120 days  
8           after the date of enactment of this Act, the Office  
9           of Personnel Management shall prescribe regulations  
10          to carry out this subsection.

11          (6) TERMINATION.—The program under this  
12          subsection shall terminate on December 31, 2007.

13          (b) VOLUNTARY PRIVATE SECTOR LEAVE PRO-  
14          GRAM.—

15               (1) DEFINITIONS.—

16                   (A) CAREGIVER.—The term “caregiver”  
17                   means an individual who—

18                               (i) is an employee;

19                               (ii) is at least 21 years of age; and

20                               (iii) is capable of self care and care of  
21                   children or other dependent family mem-  
22                   bers of a qualified member of the Armed  
23                   Forces.

24                   (B) COVERED PERIOD OF SERVICE.—The  
25                   term “covered period of service” means any pe-

1           riod of service performed by an employee as a  
2           caregiver while the individual who designated  
3           the caregiver under paragraph (4) remains a  
4           qualified member of the Armed Forces.

5           (C) EMPLOYEE.—The term “employee”  
6           means an employee of a business entity partici-  
7           pating in the program under this subsection.

8           (D) FAMILY MEMBER.—The term “family  
9           member” includes—

10           (i) individuals for whom the qualified  
11           member of the Armed Forces provides  
12           medical, financial, and logistical support  
13           (such as housing, food, clothing, or trans-  
14           portation); and

15           (ii) children under the age of 19  
16           years, elderly adults, persons with disabil-  
17           ities, and other persons who are unable to  
18           care for themselves in the absence of the  
19           qualified member of the Armed Forces.

20           (E) QUALIFIED MEMBER OF THE ARMED  
21           FORCES.—The term “qualified member of the  
22           Armed Forces” means—

23           (i) a member of a reserve component  
24           of the Armed Forces as described under  
25           section 10101 of title 10, United States

Code, who has received notice to report to,  
 or is serving on, active duty in the Armed  
 Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on  
 active duty who is eligible for hostile fire  
 or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—

The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

1 (4) DESIGNATION OF CAREGIVER.—

2 (A) IN GENERAL.—A qualified member of  
3 the Armed Forces shall submit a written des-  
4 ignation of the individual who is the caregiver  
5 for any family member of that member of the  
6 Armed Forces during a covered period of serv-  
7 ice to the employing business entity.

8 (B) DESIGNATION OF SPOUSE.—Notwith-  
9 standing paragraph (1)(A)(ii), an individual  
10 less than 21 years of age may be designated as  
11 a caregiver if that individual is the spouse of  
12 the qualified member of the Armed Forces mak-  
13 ing the designation.

14 (5) USE OF CAREGIVER LEAVE.—Leave may  
15 only be used under this subsection for purposes di-  
16 rectly relating to, or resulting from, the designation  
17 of an employee as a caregiver.

18 (6) REGULATIONS.—Not later than 120 days  
19 after the date of enactment of this Act, the Sec-  
20 retary of Labor may prescribe regulations to carry  
21 out this subsection.

22 (7) TERMINATION.—The program under this  
23 subsection shall terminate on December 31, 2007.

24 (c) GAO REPORT.—Not later than June 30, 2007,  
25 the Government Accountability Office shall submit a re-

1 port to Congress on the programs under subsections (a)  
 2 and (b) that includes—

- 3 (1) an evaluation of the success of each pro-  
 4 gram; and
- 5 (2) recommendations for the continuance or  
 6 termination of each program.

7 **SEC. 1105. THREE-YEAR EXTENSION OF AUTHORITY FOR**  
 8 **EXPERIMENTAL PERSONNEL MANAGEMENT**  
 9 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**  
 10 **PERSONNEL.**

11 Section 1101(e)(1) of the Strom Thurmond National  
 12 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.  
 13 3104 note) is amended by striking “September 30, 2008”  
 14 and inserting “September 30, 2011”.

15 **TITLE XII—MATTERS RELATING**  
 16 **TO OTHER NATIONS**  
 17 **Subtitle A—General Matters**

18 **SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC AS-**  
 19 **SISTANCE TO INCLUDE COMMUNICATIONS**  
 20 **AND INFORMATION CAPACITY.**

21 Section 401 of title 10, United States Code, as  
 22 amended—

- 23 (1) in subsection (c)—

1 (A) by redesignating paragraphs (2), (3),  
 2 and (4) as paragraphs (3), (4), and (5), respec-  
 3 tively;

4 (B) by inserting after paragraph (1) end  
 5 the following new paragraph (2):

6 “(2) Expenses covered by paragraph (1) include com-  
 7 munications or information systems equipment or supplies  
 8 incurred in providing assistance described in subsection  
 9 (e)(4).”; and

10 (C) in paragraph (4), as redesignated by  
 11 subparagraph (A) of this paragraph, by striking  
 12 “paragraph (2)(B)” and inserting “paragraph  
 13 (3)(B)”; and

14 (2) in subsection (e)(4), by inserting before the  
 15 period the following: “, including information and  
 16 communications technology facilities”.

17 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**  
 18 **THE REGIONAL DEFENSE**  
 19 **COUNTERTERRORISM FELLOWSHIP PRO-**  
 20 **GRAM.**

21 (a) REDESIGNATION OF PROGRAM AS REGIONAL DE-  
 22 FENSE COMBATTING TERRORISM FELLOWSHIP PRO-  
 23 GRAM.—Section 2249c of title 10, United States Code, is  
 24 amended in subsections (a) and (c)(3), by striking



1 “Counterterrorism” and inserting “Combatting Ter-  
 2 rorism”.

3 (b) AVAILABILITY OF FUNDS.—

4 (1) IN GENERAL.—Subsection (a) of such sec-  
 5 tion is further amended by striking “the attendance”  
 6 and all that follows through “military educational in-  
 7 stitutions” and inserting “the education and training  
 8 of foreign military officers and other foreign officials  
 9 at military or civilian educational institutions”.

10 (2) INCREASE IN AMOUNT AVAILABLE.—Sub-  
 11 section (b) of such section is amended by striking  
 12 “\$20,000,000” and inserting “\$25,000,000”.

13 (3) AVAILABILITY OF AMOUNTS ACROSS FISCAL  
 14 YEARS.—Subsection (b) of such section is further  
 15 amended by adding at the end the following new  
 16 sentence: “Amounts available under the authority in  
 17 subsection (a) for a fiscal year may be used for pro-  
 18 grams that begin in such fiscal year but end in the  
 19 next fiscal year.”.

20 (c) CONFORMING AND CLERICAL AMENDMENTS.—

21 (1) CONFORMING AMENDMENT.—The heading  
 22 of such section is amended to read as follows:

1 **“§ 2249c. Authority to use appropriated funds for**  
 2 **education and training of foreign visitors**  
 3 **under Regional Defense Combatting Ter-**  
 4 **rorism Fellowship Program”.**

5 (2) CLERICAL AMENDMENT.—The table of sec-  
 6 tions at the beginning of subchapter I of chapter  
 7 134 of such title is amended by striking the item re-  
 8 lating to section 2249c and insert the following new  
 9 item:

“2249c. Authority to use appropriated funds for education and training of for-  
 eign visitors under Regional Defense Combatting Terrorism  
 Fellowship Program.”.

10 **SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR**  
 11 **COMBINED OPERATIONS.**

12 (a) AUTHORITY TO USE FUNDS TO PROVIDE SUP-  
 13 PORT.—

14 (1) IN GENERAL.—Subchapter I of chapter 134  
 15 of title 10, United States Code, is amended by in-  
 16 serting after section 2249c the following new section:

17 **“§ 2249d. Authority to use appropriated funds for lo-**  
 18 **gistic support of allied forces for com-**  
 19 **bined operations**

20 “(a) AUTHORITY TO USE FUNDS.—Subject to sub-  
 21 sections (b) and (c), funds appropriated to the Depart-  
 22 ment of Defense for operation and maintenance may be  
 23 used by the Secretary of Defense, with the concurrence  
 24 of the Secretary of State, to provide logistic support, sup-

plies, and services to allied forces participating in combined operations with the armed forces of the United States.

“(b) LIMITATION RELATING TO COMBINED OPERATIONS.—The authority in subsection (a) to provide logistic support, supplies, and services may be exercised only—

“(1) with respect to combined operations during a period of active hostilities, a contingency operation, or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, country stabilization operations, or peacekeeping operations under chapter VI or VII of the Charter of the United Nations); and

“(2) in circumstances in which the Secretary of Defense determines that the allied forces to be provided such logistic support, supplies, and services—

“(A) are essential to the success of such combined operations; and

“(B) would not be able to participate in such combined operations but for the provision of such logistic support, supplies, and services.

“(c) LIMITATIONS RELATING TO AMOUNT.—(1) Except as provided in paragraph (2), the amount of logistic

1 support, supplies, and services provided under subsection  
 2 (a) in any fiscal year may not exceed \$100,000,000.

3 “(2) In any fiscal year, in addition to any logistic  
 4 support, supplies, and services provided under subsection  
 5 (a) that are covered by paragraph (1), logistic support,  
 6 supplies, and services in the amount of \$5,000,000 may  
 7 be provided under that subsection if such support, sup-  
 8 plies, and services are solely for purposes of enhancing the  
 9 interoperability of the logistical support systems of allied  
 10 forces with the logistical support systems of the armed  
 11 forces of the United States in order to facilitate combined  
 12 operations.

13 “(d) ANNUAL REPORT.—Not later than December 31  
 14 each year, the Secretary of Defense, in coordination with  
 15 the Secretary of State, shall submit to the appropriate  
 16 committees of Congress a report on the use of the author-  
 17 ity in subsection (a) during the preceding fiscal year. Each  
 18 report shall include, for the fiscal year covered by such  
 19 report, the following:

20 “(1) Each nation provided logistic support, sup-  
 21 plies, and services.

22 “(2) For each such nation, a description of the  
 23 type and value of logistic support, supplies, and  
 24 services so provided.

25 “(e) DEFINITIONS.—In this section:

1           “(1) The term ‘appropriate committees of Con-  
2       gress’ means—

3                   “(A) the Committees on Armed Services  
4                   and Foreign Relations of the Senate; and

5                   “(B) the Committees on Armed Services  
6                   and International Relations of the House of  
7       Representatives.

8           “(2) The term ‘logistic support, supplies, and  
9       services’ has the meaning given such term in section  
10      2350(1) of this title and includes sealift.”.

11           (2) CLERICAL AMENDMENT.—The table of sec-  
12      tions at the beginning of subchapter I of such chap-  
13      ter is amended by inserting after the item relating  
14      to section 2249c the following new item:

“2249d. Authority to use appropriated funds for logistic support of allied forces  
for combined operations.”.

15           (b) EFFECTIVE DATE.—The amendments made by  
16      this section shall take effect on October 1, 2006, and shall  
17      apply with respect to fiscal years beginning on or after  
18      that date.

1 **SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRI-**  
 2 **CANTS FROM LIMITATIONS ON AMOUNT OF**  
 3 **LIABILITIES THE UNITED STATES MAY AC-**  
 4 **CRUE UNDER ACQUISITION AND CROSS-**  
 5 **SERVICING AGREEMENTS.**

6 (a) EXCLUSION.—Section 2347 of title 10, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new subsection:

9 “(d) The limitations in this section on the amount  
 10 of reimbursable liabilities or reimbursable credits that the  
 11 United States may accrue under this subchapter shall not  
 12 apply with respect to the sale, purchase, or exchange of  
 13 petroleum, oils, or lubricants.”.

14 (b) CONFORMING AMENDMENTS.—Paragraphs (1)  
 15 and (2) of subsection (a) of such section are each amended  
 16 by striking “(other than petroleum, oils, and lubricants)”.

17 **SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION**  
 18 **AND CROSS-SERVICING AGREEMENTS TO**  
 19 **LOAN SIGNIFICANT MILITARY EQUIPMENT**  
 20 **TO FOREIGN FORCES IN IRAQ AND AFGHANI-**  
 21 **STAN FOR PERSONNEL PROTECTION AND**  
 22 **SURVIVABILITY.**

23 (a) AUTHORITY.—

24 (1) IN GENERAL.—Subject to paragraphs (2)  
 25 and (3), the Secretary of Defense may treat signifi-  
 26 cant military equipment as logistic support, supplies,

1 and services under subchapter I of chapter 138 of  
2 title 10, United States Code, for purposes of pro-  
3 viding for the use of such equipment by military  
4 forces of nations participating in combined oper-  
5 ations with United States Forces in Iraq and Af-  
6 ghanistan if the Secretary, with the concurrence of  
7 the Secretary of State, determines in writing that it  
8 is in the national security interests of the United  
9 States to provide for the use of such equipment in  
10 such manner.

11 (2) LIMITATION ON DURATION OF PROVI-  
12 SION.—Equipment may be used by foreign military  
13 forces under this subsection for not longer than one  
14 year.

15 (3) LIMITATION ON USE.—Equipment may be  
16 used by foreign military forces under this subsection  
17 solely for personnel protection or to aid in the per-  
18 sonnel survivability of such forces.

19 (b) SEMIANNUAL REPORTS.—

20 (1) REPORTS REQUIRED.—The Secretary of  
21 Defense shall, in coordination with the Secretary of  
22 State, submit to the appropriate committees of Con-  
23 gress a report on the exercise of the authority in  
24 subsection (a) as follows:

1 (A) If the authority is exercised during the  
 2 first six-month period of a fiscal year, not later  
 3 than 30 days after such period.

4 (B) If the authority is exercised during the  
 5 second six-month period of a fiscal year, not  
 6 later than 30 days after such period.

7 (2) ELEMENTS.—Each report under paragraph  
 8 (1) shall include, for each exercise of authority  
 9 under subsection (a) during the period covered by  
 10 such report, the following:

11 (A) A copy of the written determination  
 12 under subsection (a) with respect to the exer-  
 13 cise of such authority.

14 (B) A statement of each recipient of equip-  
 15 ment under the exercise of such authority.

16 (C) A description of the type, quantity,  
 17 and value of the equipment supplied to each  
 18 such recipient, and a description of the terms  
 19 and duration of the supply of the equipment to  
 20 such recipient.

21 (c) CONSTRUCTION WITH LIMITATIONS ON TRANS-  
 22 FER OF MILITARY EQUIPMENT.—The provision of signifi-  
 23 cant military equipment for use under this section shall  
 24 be subject to the provisions of the Arms Export Control  
 25 Act (22 U.S.C. 2751 et seq.) and of any other export con-



1 trol regime under law relating to the transfer of military  
2 technology to foreign nations.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-  
5 gress” means—

6 (A) the Committees on Armed Services  
7 and Foreign Relations of the Senate; and

8 (B) the Committees on Armed Services  
9 and International Relations of the House of  
10 Representatives.

11 (2) The term “significant military equipment”  
12 means items designated as significant military  
13 equipment on the United States Munitions List  
14 under section 38(a)(1) of the Arms Export Control  
15 Act (22 U.S.C. 2778(a)(1)).

16 (e) EXPIRATION.—The authority in subsection (a)  
17 shall expire on September 30, 2008.

18 **SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO**  
19 **THE BUILDING OF THE CAPACITY OF FOR-**  
20 **EIGN MILITARY FORCES.**

21 (a) FUNDS AVAILABLE FOR PRESIDENTIAL PRO-  
22 GRAM.—Subsection (c) of section 1206 of the National  
23 Defense Authorization Act for Fiscal Year 2006 (Public  
24 Law 109–163; 119 Stat. 3456) is amended by striking  
25 “defense-wide”.

1 (b) LIMITED AUTHORITY TO RESPOND TO UNAN-  
 2 TICIPATED CHANGES IN SECURITY ENVIRONMENT.—Such  
 3 section is further amended—

4 (1) by redesignating subsections (f) and (g) as  
 5 subsections (h) and (i), respectively; and

6 (2) by inserting after subsection (e) the fol-  
 7 lowing new subsection (f):

8 “(f) COMBATANT COMMANDER AUTHORITY TO RE-  
 9 SPOND TO UNANTICIPATED CHANGES IN SECURITY ENVI-  
 10 RONMENT.—

11 “(1) IN GENERAL.—During fiscal years 2007  
 12 and 2008, the Secretary of Defense may, with the  
 13 concurrence of the Secretary of State, authorize any  
 14 commander of a geographic combatant command to  
 15 respond to unanticipated changes in a security envi-  
 16 ronment within the area of responsibility of such  
 17 commander by conducting a program to build the  
 18 capacity of the national military forces of a country  
 19 within such area of responsibility in order for such  
 20 country to—

21 “(A) conduct counterterrorist operations;

22 or

23 “(B) participate in or support military and  
 24 stability operations.

1           “(2) REQUIRED ELEMENTS.—Any program  
2           under paragraph (1) shall include elements that  
3           promote—

4                   “(A) observance of and respect for human  
5                   rights and fundamental freedoms; and

6                   “(B) respect for legitimate civilian author-  
7                   ity within the country concerned.

8           “(3) AUTHORIZED ELEMENTS.—Any program  
9           under paragraph (1) may include the provision of  
10          equipment, supplies, and training.

11          “(4) ANNUAL FUNDING LIMITATION.—The Sec-  
12          retary of Defense may make available, from funds  
13          available for operation and maintenance for fiscal  
14          year 2007 or 2008, not to exceed \$200,000,000 to  
15          conduct activities under paragraph (1) in such fiscal  
16          year. Of the amount so made available for a fiscal  
17          year, not more than \$50,000,000 may be available  
18          for any commander of a particular geographic com-  
19          batant command in such fiscal year. Amounts avail-  
20          able under this paragraph are in addition to any  
21          other amounts available to the commanders of the  
22          geographic combatant commands, including amounts  
23          in the Combatant Commanders Initiative Fund.

24          “(5) ASSISTANCE OTHERWISE PROHIBITED BY  
25          LAW.—The commander of a geographic combatant

1       command may not use the authority in paragraph  
2       (1) to provide any type of assistance described in  
3       paragraphs (2) and (3) that is otherwise prohibited  
4       by any provision of law.

5               “(6) LIMITATION ON ELIGIBLE COUNTRIES.—

6       The commander of a geographic combatant com-  
7       mand may not use the authority in paragraph (1) to  
8       provide any type of assistance described in para-  
9       graphs (2) and (3) to any foreign country that is  
10      otherwise prohibited from receiving such type of as-  
11      sistance under any other provision of law.

12              “(7) FORMULATION AND EXECUTION OF PRO-

13      GRAMS.—The Secretary of Defense shall prescribe  
14      guidance for programs authorized by paragraph (1).  
15      Such guidance shall include requirements for the  
16      commanders of the geographic combatant commands  
17      to—

18              “(A) formulate any program under para-  
19      graph (1) for a country jointly with the United  
20      States ambassador or chief of mission to such  
21      country; and

22              “(B) coordinate with the United States  
23      ambassador or chief of mission to a country in  
24      implementing any program under paragraph (1)  
25      for such country.

1           “(8) CONGRESSIONAL NOTIFICATION.—Not less  
 2           than 15 days after the initiation of activities in a  
 3           country under a program under paragraph (1), the  
 4           Secretary of Defense, in coordination with the Sec-  
 5           retary of State, shall submit to the congressional  
 6           committees specified in subsection (e)(3) a notice of  
 7           the following:

8                   “(A) The country being assisted in the  
 9                   building of the capacity of its military forces  
 10                  under the program.

11                  “(B) The budget, implementation timeline  
 12                  with milestones, and completion date for the  
 13                  program.

14                  “(C) The source and planned expenditure  
 15                  of funds to complete the program.”.

16           (c) LIMITED AUTHORITY TO MEET UNANTICIPATED  
 17   HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIRE-  
 18   MENTS.—Such section is further amended by inserting  
 19   after subsection (f), as added by subsection (b)(2) of this  
 20   section, the following new subsection (g):

21           “(g) COMBATANT COMMANDER AUTHORITY TO  
 22   MEET UNANTICIPATED HUMANITARIAN RELIEF OR RE-  
 23   CONSTRUCTION REQUIREMENTS.—

24                  “(1) IN GENERAL.—During fiscal years 2007  
 25                  and 2008, the Secretary of Defense may authorize

1       any commander of a geographic combatant com-  
 2       mand to provide the assistance described in para-  
 3       graph (2) to respond to urgent and unanticipated  
 4       humanitarian relief or reconstruction requirements  
 5       in a foreign country within the area of responsibility  
 6       of the commander of the geographic combatant com-  
 7       mand if the commander of the geographic combatant  
 8       command determines that the provision of such as-  
 9       sistance will promote the security interests of the  
 10      United States and the country to which such assist-  
 11      ance will be provided. Such assistance may be pro-  
 12      vided without regard to any provision of chapter  
 13      137, 140, or 141 of title 10, United States Code, or  
 14      any other provision of law that would prohibit, re-  
 15      strict, or limit the provision of such assistance.

16           “(2) TYPES OF ASSISTANCE.—The assistance  
 17      that may be provided under paragraph (1) includes  
 18      the following:

19                   “(A) Construction, reconstruction, or re-  
 20                   pair of municipal, educational, cultural, or other  
 21                   local facilities.

22                   “(B) Reconstitution or improvement of  
 23                   utilities or other local infrastructure.

24                   “(C) Provision of any other goods or serv-  
 25                   ices necessary to respond to urgent and unan-

1           ticipated humanitarian relief or reconstruction  
2           requirements.

3           “(3) PROHIBITION ON ASSISTANCE IN CERTAIN  
4           COUNTRIES.—Assistance may not be provided under  
5           paragraph (1) in Iraq or Afghanistan.

6           “(4) ANNUAL FUNDING LIMITATION.—From  
7           funds available for operation and maintenance for  
8           fiscal year 2007 or 2008, not more than \$200,000  
9           may be available to the commander of a geographic  
10          combatant command to conduct activities under  
11          paragraph (1) in any particular country in such fis-  
12          cal year. Amounts available under this paragraph  
13          are in addition to any other amounts available to the  
14          commanders of the geographic combatant com-  
15          mands, including amounts in the Combatant Com-  
16          manders Initiative Fund.

17          “(5) CONSTRUCTION OF AUTHORITY.—The au-  
18          thority and funds available to the commanders of  
19          the geographic combatant commands under this sub-  
20          section are in addition to any other authorities and  
21          funds available to the commanders of the geographic  
22          combatant commands.

23          “(6) GUIDANCE ON PROVISION OF ASSIST-  
24          ANCE.—(A) No funds may be obligated or expended  
25          for the provision of assistance under paragraph (1)

1       until the Secretary of Defense prescribes guidance  
2       on the provision of assistance under that paragraph.

3           “(B) The guidance under this paragraph shall  
4       include a requirement that any assistance provided  
5       under paragraph (1) in a particular country be pro-  
6       vided only with the concurrence of the United States  
7       ambassador or chief of mission to that country.

8           “(C) Not later than 30 days after the issuance  
9       of the guidance under this paragraph, the Secretary  
10      shall submit to the congressional defense committees  
11      a report setting forth such guidance.

12          “(D) Not later than 30 days after issuing any  
13      modification to the guidance under this paragraph,  
14      the Secretary shall submit to the congressional de-  
15      fense committees a report on such modification.

16          “(7) REPORT.—Not later than November 1 of  
17      2007 and 2008, the Secretary of Defense shall sub-  
18      mit to the congressional defense committees a report  
19      on the provision of assistance under paragraph (1)  
20      during the preceding fiscal year. Each report shall  
21      include, for the fiscal year covered by such report,  
22      the following:

23           “(A) The source of funds utilized to pro-  
24      vide assistance under paragraph (1) during  
25      such fiscal year.



1           “(B) Each country in which assistance was  
2           so provided.

3           “(C) For each country so provided assist-  
4           ance, the type and amount of assistance pro-  
5           vided.”.

6           (d) TERMINATION OF AUTHORITY.—Subsection (i) of  
7           such section, as redesignated by subsection (b)(1) of this  
8           section, is further amended to read as follows:

9           “(i) TERMINATION.—

10           “(1) TERMINATION OF PRESIDENTIAL PRO-  
11           GRAM.—The authority of the President under sub-  
12           section (a) to direct the Secretary of Defense to con-  
13           duct a program terminates at the close of September  
14           30, 2008. Any program directed before that date  
15           may be completed, but only using funds available for  
16           fiscal year 2006, 2007, or 2008.

17           “(2) TERMINATION OF COMBATANT COM-  
18           MANDER AUTHORITIES.—The authority of the com-  
19           manders of the geographic combatant commands to  
20           carry out programs under subsection (f), and to pro-  
21           vide assistance under subsection (g), terminates at  
22           the close of September 30, 2008. Any program or  
23           assistance commenced before that date may be com-  
24           pleted, but only using funds available for fiscal year  
25           2007 or 2008.”.

1 **SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DE-**  
2 **FENSE IN MULTINATIONAL MILITARY CEN-**  
3 **TERS OF EXCELLENCE.**

4 (a) PARTICIPATION AUTHORIZED.—During fiscal  
5 year 2007, the Secretary of Defense may, with the concur-  
6 rence of the Secretary of State, authorize the participation  
7 of the Department of Defense, and of members of the  
8 armed forces and civilian personnel of the Department, in  
9 multinational military centers of excellence hosted by any  
10 nation or combination of nations referred to in subsection  
11 (b) for purposes of—

12 (1) enhancing the ability of military forces and  
13 civilian personnel of the nations participating in  
14 such centers to engage in joint exercises or coalition  
15 or international military operations; or

16 (2) improving interoperability between the  
17 Armed Forces of the United States and the military  
18 forces of friendly foreign nations.

19 (b) COVERED NATIONS.—The nations referred to in  
20 this section are as follows:

21 (1) The United States.

22 (2) Any member nation of the North Atlantic  
23 Treaty Organization (NATO).

24 (3) Any major non-NATO ally.

1           (4) Any other friendly foreign nation identified  
2       by the Secretary of Defense, with the concurrence of  
3       the Secretary of State, for purposes of this section.

4       (c) MEMORANDUM OF UNDERSTANDING.—The par-  
5       ticipation of the Department of Defense, or of members  
6       of the armed forces or civilian personnel of the Depart-  
7       ment, in a multinational military center of excellence  
8       under subsection (a) shall be governed by the terms of  
9       one or more memoranda of understanding entered into by  
10      the Secretary of Defense, with the concurrence of the Sec-  
11      retary of State, and the foreign nation or nations con-  
12      cerned.

13      (d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)  
14      Funds appropriated to the Department of Defense for op-  
15      eration and maintenance are available as follows:

16           (A) To pay the United States share of the ex-  
17           penses of any multinational military center of excel-  
18           lence in which the United States participates under  
19           this section.

20           (B) To pay the costs of the participation of the  
21           Department of Defense, and of members of the  
22           armed forces and civilian personnel of the Depart-  
23           ment, in multinational military centers of excellence  
24           under this section, including the costs of pay, sala-

1       ries, and expenses of such members and personnel in  
2       participating in such centers.

3       (2) The amount available under paragraph (1)(A) in  
4       fiscal year 2007 for the expenses referred to in that para-  
5       graph may not exceed \$3,000,000.

6       (e) USE OF DEPARTMENT OF DEFENSE FACILITIES  
7       AND EQUIPMENT.—(1) Facilities and equipment of the  
8       Department of Defense may be used for purposes of the  
9       support of multinational military centers of excellence  
10      under this section that are hosted by the Department.

11      (2) The use of facilities and equipment for support  
12      of a multinational military center of excellence under para-  
13      graph (1) may, at the election of the Secretary of Defense,  
14      be with or without reimbursement by other nations partici-  
15      pating in the center.

16      (f) REPORT ON USE OF AUTHORITY.—

17          (1) REPORT REQUIRED.—Not later than Octo-  
18      ber 31, 2007, the Secretary of Defense shall submit  
19      to the congressional defense committees a report on  
20      the use of the authority in this section during fiscal  
21      year 2007.

22          (2) ELEMENTS.—The report required by para-  
23      graph (1) shall include the following:

24              (A) A detailed description of the participa-  
25      tion of the Department of Defense, and of

1 members of the Armed Forces and civilian per-  
2 sonnel of the Department, in multinational mili-  
3 tary centers of excellence under the authority of  
4 this section during fiscal year 2007.

5 (B) For each multinational military center  
6 of excellence in which the Department of De-  
7 fense, or members of the Armed Forces or civil-  
8 ian personnel of the Department, so  
9 participated—

10 (i) a description of such multinational  
11 military center of excellence;

12 (ii) a description of the activities par-  
13 ticipated in by the Department, or by  
14 members of the Armed Forces or civilian  
15 personnel of the Department; and

16 (iii) a statement of the costs of the  
17 Department for such participation,  
18 including—

19 (I) a statement of the United  
20 States share of the expenses of such  
21 center, and a statement of the per-  
22 centage of the United States share of  
23 the expenses of such center to the  
24 total expenses of such center; and

1 (II) a statement of the amount of  
 2 such costs (including a separate state-  
 3 ment of the amount of costs paid for  
 4 under the authority of this section by  
 5 category of costs).

6 (g) DEFINITIONS.—In this section:

7 (1) The term “multinational military center of  
 8 excellence” means an entity sponsored by one or  
 9 more nations that is accredited and approved by the  
 10 North Atlantic Treaty Organization military com-  
 11 mittee as offering recognized expertise and experi-  
 12 ence to personnel participating in the activities of  
 13 such entity for the benefit of the North Atlantic  
 14 Treaty Organization by providing such personnel op-  
 15 portunities to—

16 (A) enhance education and training;

17 (B) improve interoperability and capabili-  
 18 ties;

19 (C) assist in the development of doctrine;  
 20 and

21 (D) validate concepts through experimen-  
 22 tation.

23 (2) The term “major non-NATO ally” means a  
 24 country (other than a member nation of the North  
 25 Atlantic Treaty Organization) that is designated as

1 a major non-NATO ally for purposes of this section  
 2 by the Secretary of Defense with the concurrence of  
 3 the Secretary of State.

4 **SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING**  
 5 **MATERIALS AND INFORMATION TECH-**  
 6 **NOLOGY TO ENHANCE INTEROPERABILITY.**

7 (a) DISTRIBUTION AUTHORIZED.—In furtherance of  
 8 the national security objectives of the United States and  
 9 to improve interoperability between the Armed Forces of  
 10 the United States and military forces of friendly foreign  
 11 countries, the Secretary of Defense may—

12 (1) provide to the personnel referred to in sub-  
 13 section (b) electronically-distributed learning content  
 14 for the education and training of such personnel for  
 15 the development and enhancement of allied and  
 16 friendly military capabilities for multinational oper-  
 17 ations, including joint exercises and coalition oper-  
 18 ations; and

19 (2) provide information technology, including  
 20 computer software developed for such purpose, to  
 21 support the use of such learning content for the edu-  
 22 cation and training of such personnel.

23 (b) PERSONNEL.—The personnel to which learning  
 24 content and information technology may be provided  
 25 under subsection (a) are as follows:

1           (1) Military and civilian personnel of friendly  
2       foreign governments.

3           (2) Personnel of internationally-recognized non-  
4       governmental organizations.

5       (c) EDUCATION AND TRAINING.—The education and  
6       training provided under subsection (a) shall include the  
7       following:

8           (1) Internet based education and training.

9           (2) Advanced distributed learning and similar  
10       Internet learning tools, as well as distributed train-  
11       ing and computer assisted exercises.

12       (d) INFORMATION TECHNOLOGY.—In providing in-  
13       formation technology under subsection (a)(2), the Sec-  
14       retary of Defense may only expend funds for the develop-  
15       ment and provision of information technology and learning  
16       content necessary to support the provision of education  
17       and training authorized by this section.

18       (e) SECRETARY OF STATE CONCURRENCE IN CER-  
19       TAIN ACTIVITIES.—In the case of any activity proposed  
20       to be undertaken under the authority in this section that  
21       is not authorized by another provision of law, the Sec-  
22       retary of Defense may not undertake such activity without  
23       the concurrence of the Secretary of State.

24       (f) CONSTRUCTION WITH OTHER AUTHORITY.—



1           (1) SUPPLEMENTAL AUTHORITY.—The author-  
2           ity in this section is in addition to any other author-  
3           ity available to the Secretary of Defense to provide  
4           assistance to foreign nations or military forces.

5           (2) LIMITATION.—The provision of learning  
6           content and information technology under the au-  
7           thority in this section shall be subject to the provi-  
8           sions of the Arms Export Control Act (22 U.S.C.  
9           2751 et seq.) and any other export control regime  
10          under law relating to the transfer of military tech-  
11          nology to foreign nations.

12          (g) GUIDANCE.—

13           (1) GUIDANCE REQUIRED.—The Secretary of  
14          Defense shall develop and issue guidance on the pro-  
15          cedures for the use of the authority in this section.

16           (2) SUBMITTAL TO CONGRESS.—Not later than  
17          30 days after issuing the guidance required by para-  
18          graph (1), the Secretary shall submit to the congres-  
19          sional defense committees a report setting forth such  
20          guidance.

21           (3) MODIFICATION.—In the event the Secretary  
22          modifies the guidance required by paragraph (1), the  
23          Secretary shall submit to the congressional defense  
24          committees a report setting forth the modified guid-

1       ance not later than 30 days after the date of such  
2       modification.

3       (h) ANNUAL REPORT.—

4           (1) REPORT REQUIRED.—Not later than Octo-  
5       ber 31 of 2007 and 2008, the Secretary of Defense  
6       shall submit to the congressional defense committees  
7       a report on the exercise of the authority in this sec-  
8       tion during the preceding fiscal year.

9           (2) ELEMENTS.—The report under paragraph  
10       (1) shall include, for the fiscal year covered by such  
11       report, the following:

12           (A) A statement of the recipients of learn-  
13       ing content and information technology pro-  
14       vided under this section.

15           (B) A description of the type, quantity,  
16       and value of the learning content and informa-  
17       tion technology provided under this section.

18       (i) TERMINATION.—The authority in this section  
19       shall expire on September 30, 2008.

20       **SEC. 1209. UNITED STATES' POLICY ON THE NUCLEAR PRO-**  
21       **GRAMS OF IRAN.**

22       (a) FINDINGS.—Congress finds that:

23           (1) The pursuit by the Iranian regime of a ca-  
24       pability to produce nuclear weapons represents a

1 threat to the United States, the middle east region,  
2 and international peace and security.

3 (2) On May 31, 2006, Secretary of State Rice  
4 announced that the United States would join nego-  
5 tiations with Iran, along with the United Kingdom,  
6 France, and Germany, provided that Iran fully and  
7 verifiably suspends its enrichment and reprocessing  
8 activities.

9 (3) On June 1, 2006, President George W.  
10 Bush stated that “Secretary Rice, at my instruc-  
11 tions, said to the world that we want to solve the  
12 problem of the Iranian nuclear issue diplomatically.  
13 And we made it very clear publicly that we’re willing  
14 to come to the table, so long as the Iranians  
15 verifiably suspend their program. In other words, we  
16 said to the Iranians [that] the United States of  
17 America wants to work with our partners to solve  
18 the problem”.

19 (4) On June 1, 2006, the United States, the  
20 United Kingdom, France, Germany, the People’s Re-  
21 public of China, and the Russian Federation agreed  
22 upon a package of incentives and disincentives,  
23 which was subsequently presented to Iran by the  
24 High Representative of the European Union, Javier  
25 Solana.

1 (b) SENSE OF CONGRESS.—Congress—

2 (1) endorses the policy of the United States,  
 3 announced May 31, 2006, to achieve a successful  
 4 diplomatic outcome, in coordination with leading  
 5 members of the international community, with re-  
 6 spect to the threat posed by the efforts of the Ira-  
 7 nian regime to acquire a capability to produce nu-  
 8 clear weapons;

9 (2) calls on Iran to suspend fully and verifiably  
 10 its enrichment and reprocessing activities, cooperate  
 11 fully with the International Atomic Energy Agency,  
 12 and enter into negotiations, including with the  
 13 United States, pursuant to the package presented to  
 14 Iran by the High Representative of the European  
 15 Union; and

16 (3) urges the President and the Secretary of  
 17 State to keep Congress fully and currently informed  
 18 about the progress of this vital diplomatic initiative.

19 **SEC. 1210. MODIFICATION OF LIMITATIONS ON ASSISTANCE**  
 20 **UNDER THE AMERICAN SERVICEMEMBERS’**  
 21 **PROTECTION ACT OF 2002.**

22 Section 2013(13)(A) of the American  
 23 Servicemembers’ Protection Act of 2002 (title II of Public  
 24 Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is  
 25 amended by striking “or 5”.

1 **SEC. 1211. SENSE OF THE CONGRESS COMMENDING THE**  
2 **GOVERNMENT OF IRAQ FOR AFFIRMING ITS**  
3 **POSITION OF NO AMNESTY FOR TERRORISTS**  
4 **WHO ATTACK UNITED STATES ARMED**  
5 **FORCES.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

8 (1) The Armed Forces of the United States and  
9 coalition military forces are serving heroically in  
10 Iraq to provide all the people of Iraq a better future.

11 (2) The Armed Forces of the United States and  
12 coalition military forces have served bravely in Iraq  
13 since the beginning of military operations in March  
14 2003.

15 (3) More than 2,500 of the Armed Forces of  
16 the United States and members of coalition military  
17 forces have been killed and more than 18,000 in-  
18 jured in operations to bring peace and stability to all  
19 the people of Iraq.

20 (4) The National Security Advisor of Iraq af-  
21 firmed that the Government of Iraq will “never give  
22 amnesty to those who have killed American soldiers  
23 or Iraqi soldiers or civilians.”

24 (5) The National Security Advisor of Iraq  
25 thanked “the American wives and American women  
26 and American mothers for the treasure and blood

1       they have invested in this country . . . of liberating  
 2       30 million people in this country . . . and we are  
 3       ever so grateful.”

4       (b) SENSE OF CONGRESS.—It is the sense of Con-  
 5       gress that—

6               (1) the goal of the United States and our coali-  
 7       tion partners has been to empower the Iraqi nation  
 8       with full sovereignty thereby recognizing their free-  
 9       dom to exercise that sovereignty. Through successive  
 10      elections and difficult political agreements the unity  
 11      government is now in place exercising that sov-  
 12      ereignty. We must respect that exercise of that sov-  
 13      ereignty in accordance with their own wisdom;

14              (2) history records that governments derived of  
 15      free elections should not grant amnesty to those who  
 16      have committed war crimes or terrorists acts; and

17              (3) the United States should continue with the  
 18      historic tradition of diplomatically, economically, and  
 19      in a humanitarian manner assisting nations and the  
 20      people who have fought once a conflict is concluded.

21   **SEC. 1212. SENSE OF CONGRESS ON THE GRANTING OF AM-**  
 22                           **NESTY TO PERSONS KNOWN TO HAVE KILLED**  
 23                           **MEMBERS OF THE ARMED FORCES IN IRAQ.**

24       (a) FINDINGS.—Congress makes the following find-  
 25      ings:

1           (1) The Armed Forces of the United States and  
2           coalition military forces are serving heroically in  
3           Iraq to provide all the people of Iraq a better future.

4           (2) The Armed Forces of the United States and  
5           coalition military forces have served bravely in Iraq  
6           since the beginning of military operations in March  
7           of 2003.

8           (3) More than 2,500 members of the Armed  
9           Forces of the United States and members of coal-  
10          tion military forces have been killed and more than  
11          18,000 injured in operations to bring peace and sta-  
12          bility to all the people of Iraq.

13          (b) SENSE OF CONGRESS.—It is the sense of Con-  
14          gress that—

15               (1) the Government of Iraq should not grant  
16               amnesty to persons known to have attacked, killed,  
17               or wounded members of the Armed Forces of the  
18               United States; and

19               (2) the President should immediately notify the  
20               Government of Iraq that the Government of the  
21               United States strongly opposes granting amnesty to  
22               persons who have attacked members of the Armed  
23               Forces of the United States.

1 **SEC. 1213. ANNUAL REPORTS ON UNITED STATES CON-**  
2 **TRIBUTIONS TO THE UNITED NATIONS.**

3 (a) **ANNUAL REPORT REQUIRED.**—Not later than 90  
4 days after the date of the enactment of this Act, and annu-  
5 ally thereafter, the President shall submit to Congress a  
6 report listing all assessed and voluntary contributions of  
7 the United States Government for the preceding fiscal  
8 year to the United Nations and United Nations affiliated  
9 agencies and related bodies.

10 (b) **ELEMENTS.**—Each report under subsection (a)  
11 shall set forth, for the fiscal year covered by such report,  
12 the following:

13 (1) The total amount of all assessed and vol-  
14 untary contributions of the United States Govern-  
15 ment to the United Nations and United Nations af-  
16 filiated agencies and related bodies.

17 (2) The approximate percentage of United  
18 States Government contributions to each United Na-  
19 tions affiliated agency or body in such fiscal year  
20 when compared with all contributions to such agency  
21 or body from any source in such fiscal year.

22 (3) For each such contribution—

23 (A) the amount of such contribution;

24 (B) a description of such contribution (in-  
25 cluding whether assessed or voluntary);



1 (C) the department or agency of the  
 2 United States Government responsible for such  
 3 contribution;

4 (D) the purpose of such contribution; and

5 (E) the United Nations or United Nations  
 6 affiliated agency or related body receiving such  
 7 contribution.

8 **SEC. 1214. NORTH KOREA.**

9 (a) COORDINATOR OF POLICY ON NORTH KOREA.—

10 (1) APPOINTMENT REQUIRED.—Not later than  
 11 60 days after the date of the enactment of this Act,  
 12 the President shall appoint a senior presidential  
 13 envoy to act as coordinator of United States policy  
 14 on North Korea.

15 (2) DESIGNATION.—The individual appointed  
 16 under paragraph (1) may be known as the “North  
 17 Korea Policy Coordinator” (in this subsection re-  
 18 ferred to as the “Coordinator”).

19 (3) DUTIES.—The Coordinator shall—

20 (A) conduct a full and complete inter-  
 21 agency review of United States policy toward  
 22 North Korea including matters related to secu-  
 23 rity and human rights;

24 (B) provide policy direction for negotia-  
 25 tions with North Korea relating to nuclear

1 weapons, ballistic missiles, and other security  
2 matters; and

3 (C) provide leadership for United States  
4 participation in Six Party Talks on the  
5 denuclearization of the Korean peninsula.

6 (4) REPORT.—Not later than 90 days after the  
7 date of the appointment of an individual as Coordi-  
8 nator under paragraph (1), the Coordinator shall  
9 submit to the President and Congress an unclassi-  
10 fied report, with a classified annex if necessary, on  
11 the actions undertaken under paragraph (3). The re-  
12 port shall set forth—

13 (A) the results of the review under para-  
14 graph (3)(A); and

15 (B) any other matters on North Korea  
16 that the individual considers appropriate.

17 (b) REPORT ON NUCLEAR AND MISSILE PROGRAMS  
18 OF NORTH KOREA.—

19 (1) REPORT REQUIRED.—Not later than 90  
20 days after the date of the enactment of this Act, and  
21 every 180 days thereafter, the President shall sub-  
22 mit to Congress an unclassified report, with a classi-  
23 fied annex as appropriate, on the nuclear program  
24 and the missile program of North Korea.

1           (2) ELEMENTS.—Each report submitted under  
2 paragraph (1) shall include the following:

3           (A) The most current national intelligence  
4 estimate on the nuclear program and the mis-  
5 sile program of North Korea, and, consistent  
6 with the protection of intelligence sources and  
7 methods, an unclassified summary of the key  
8 judgments in the estimate.

9           (B) The most current unclassified United  
10 States Government assessment, stated as a  
11 range if necessary, of (i) the number of nuclear  
12 weapons possessed by North Korea and (ii) the  
13 amount of nuclear material suitable for weap-  
14 ons use produced by North Korea by plutonium  
15 reprocessing and uranium enrichment for each  
16 period as follows:

17           (I) Before October 1994.

18           (II) Between October 1994 and Octo-  
19 ber 2002.

20           (III) Between October 2002 and the  
21 date of the submittal of the initial report  
22 under paragraph (1).

23           (IV) Each 12-month period after the  
24 submittal of the initial report under para-  
25 graph (1).

1 (C) Any other matter relating to the nu-  
 2 clear program or missile program of North  
 3 Korea that the President considers appropriate.

4 **SEC. 1215. COMPREHENSIVE STRATEGY FOR SOMALIA.**

5 (a) SENSE OF SENATE.—It is the sense of the Senate  
 6 that the United States should—

7 (1) support the development of the Transitional  
 8 Federal Institutions in Somalia into a unified na-  
 9 tional government, support humanitarian assistance  
 10 to the people of Somalia, support efforts to prevent  
 11 Somalia from becoming a safe haven for terrorists  
 12 and terrorist activities, and support regional sta-  
 13 bility;

14 (2) broaden and integrate its strategic approach  
 15 toward Somalia within the context of United States  
 16 activities in countries of the Horn of Africa, includ-  
 17 ing Djibouti, Ethiopia, Kenya, Eritrea, and in  
 18 Yemen on the Arabian Peninsula; and

19 (3) carry out all diplomatic, humanitarian,  
 20 counter-terrorism, and security-related activities in  
 21 Somalia within the context of a comprehensive strat-  
 22 egy developed through an interagency process.

23 (b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY  
 24 FOR SOMALIA.—

1           (1) REQUIREMENT FOR STRATEGY.—Not later  
2           then 90 days after the date of the enactment of this  
3           Act, the President shall develop and submit to the  
4           appropriate committees of Congress a comprehensive  
5           strategy toward Somalia within the context of  
6           United States activities in the countries of the Horn  
7           of Africa.

8           (2) CONTENT OF STRATEGY.—The strategy  
9           should include the following:

10                   (A) A clearly stated policy towards Somalia  
11                   that will help establish a functional, legitimate,  
12                   unified national government in Somalia that is  
13                   capable of maintaining the rule of law and pre-  
14                   venting Somalia from becoming a safe haven for  
15                   terrorists.

16                   (B) An integrated political, humanitarian,  
17                   intelligence, and military approach to counter  
18                   transnational security threats in Somalia within  
19                   the context of United States activities in the  
20                   countries of the Horn of Africa.

21                   (C) An interagency framework to plan, co-  
22                   ordinate, and execute United States activities in  
23                   Somalia within the context of other activities in  
24                   the countries of the Horn of Africa among the

1 agencies and departments of the United States  
2 to oversee policy and program implementation.

3 (D) A description of the type and form of  
4 diplomatic engagement to coordinate the imple-  
5 mentation of the United States policy in Soma-  
6 lia.

7 (E) A description of bilateral, regional, and  
8 multilateral efforts to strengthen and promote  
9 diplomatic engagement in Somalia.

10 (F) A description of appropriate metrics to  
11 measure the progress and effectiveness of the  
12 United States policy towards Somalia and  
13 throughout the countries of the Horn of Africa.

14 (G) Guidance on the manner in which the  
15 strategy will be implemented.

16 (c) ANNUAL REPORTS.—Not later than April 1,  
17 2007, and annually thereafter, the President shall prepare  
18 and submit to the appropriate committees of Congress a  
19 report on the status of the implementation of the strategy.

20 (d) FORM.—Each report under this section shall be  
21 submitted in unclassified form, but may include a classi-  
22 fied annex.

23 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-  
24 FINED.—In this section, the term “appropriate commit-  
25 tees of Congress” means—

1           (1) the Committee on Appropriations, the Com-  
2       mittee on Armed Services, the Committee on For-  
3       eign Relations, and the Select Committee Intel-  
4       ligence of the Senate; and

5           (2) the Committee on Appropriations, the Com-  
6       mittee on Armed Services, the Committees on Inter-  
7       national Relations, and the Permanent Select Com-  
8       mittee on Intelligence of the House of Representa-  
9       tives.

10 **SEC. 1216. INTELLIGENCE ON IRAN.**

11       (a) SUBMITTAL TO CONGRESS OF UPDATED NA-  
12       TIONAL INTELLIGENCE ESTIMATE ON IRAN.—

13           (1) SUBMITTAL REQUIRED.—As soon as is  
14       practicable, but not later than 90 days after the date  
15       of the enactment of this Act, the Director of Na-  
16       tional Intelligence shall submit to Congress an up-  
17       dated National Intelligence Estimate on Iran.

18           (2) NOTICE REGARDING SUBMITTAL.—If the  
19       Director determines that the National Intelligence  
20       Estimate required by paragraph (1) cannot be sub-  
21       mitted by the date specified in that paragraph, the  
22       Director shall submit to Congress a report setting  
23       forth—

1 (A) the reasons why the National Intel-  
 2 ligence Estimate cannot be submitted by such  
 3 date; and

4 (B) an estimated date for the submittal of  
 5 the National Intelligence Estimate.

6 (3) FORM.—The National Intelligence Estimate  
 7 under paragraph (1) shall be submitted in classified  
 8 form. Consistent with the protection of intelligence  
 9 sources and methods, an unclassified summary of  
 10 the key judgments of the National Intelligence Esti-  
 11 mate should be submitted.

12 (4) ELEMENTS.—The National Intelligence Es-  
 13 timate submitted under paragraph (1) shall address  
 14 the following:

15 (A) The foreign policy and regime objec-  
 16 tives of Iran.

17 (B) The current status of the nuclear pro-  
 18 grams of Iran, including—

19 (i) an assessment of the current and  
 20 projected capabilities of Iran to design a  
 21 nuclear weapon, to produce plutonium, en-  
 22 riched uranium, and other weapons mate-  
 23 rials, to build a nuclear weapon, and to de-  
 24 ploy a nuclear weapon; and



1 (ii) an assessment of the intentions of  
2 Iran regarding possible development of nu-  
3 clear weapons, the motivations underlying  
4 such intentions, and the factors that might  
5 influence changes in such intentions.

6 (C) The military and defense capabilities  
7 of Iran, including any non-nuclear weapons of  
8 mass destruction programs and related delivery  
9 systems.

10 (D) The relationship of Iran with terrorist  
11 organizations, the use by Iran of terrorist orga-  
12 nizations in furtherance of its foreign policy ob-  
13 jectives, and the factors that might cause Iran  
14 to reduce or end such relationships.

15 (E) The prospects for support from the  
16 international community for various potential  
17 courses of action with respect to Iran, including  
18 diplomacy, sanctions, and military action.

19 (F) The anticipated reaction of Iran to the  
20 courses of action set forth under subparagraph  
21 (E), including an identification of the course or  
22 courses of action most likely to successfully in-  
23 fluence Iran in terminating or moderating its  
24 policies of concern.

1 (G) The level of popular and elite support  
 2 within Iran for the Iran regime, and for its civil  
 3 nuclear program, nuclear weapons ambitions,  
 4 and other policies, and the prospects for reform  
 5 and political change within Iran.

6 (H) The views among the populace and  
 7 elites of Iran with respect to the United States,  
 8 including views on direct discussions with or  
 9 normalization of relations with the United  
 10 States.

11 (I) The views among the populace and  
 12 elites of Iran with respect to other key countries  
 13 involved in nuclear diplomacy with Iran.

14 (J) The likely effects and consequences of  
 15 any military action against the nuclear pro-  
 16 grams or other regime interests of Iran.

17 (K) The confidence level of key judgments  
 18 in the National Intelligence Estimate, the qual-  
 19 ity of the sources of intelligence on Iran, the  
 20 nature and scope of any gaps in intelligence on  
 21 Iran, and any significant alternative views on  
 22 the matters contained in the National Intel-  
 23 ligence Estimate.

24 (b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES  
 25 AND UNITED STATES STRATEGY REGARDING IRAN.—

1           (1) REPORT REQUIRED.—As soon as is prac-  
2           ticable, but not later than 90 days after the date of  
3           the enactment of this Act, the President shall sub-  
4           mit to Congress a report on the following:

5                   (A) The objectives of United States policy  
6                   on Iran.

7                   (B) The strategy for achieving such objec-  
8                   tives.

9           (2) FORM.—The report under paragraph (1)  
10          shall be submitted in unclassified form with a classi-  
11          fied annex, as appropriate.

12          (3) ELEMENTS.—The report submitted under  
13          paragraph (1) shall—

14                   (A) address the role of diplomacy, incen-  
15                   tives, sanctions, other punitive measures and in-  
16                   centives, and other programs and activities re-  
17                   lating to Iran for which funds are provided by  
18                   Congress; and

19                   (B) summarize United States contingency  
20                   planning regarding the range of possible United  
21                   States military actions in support of United  
22                   States policy objectives with respect to Iran.

23          (c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT  
24          ON PROCESS FOR VETTING AND CLEARING ADMINISTRA-

1 TION OFFICIALS' STATEMENTS DRAWN FROM INTEL-  
2 LIGENCE.—

3 (1) REPORT REQUIRED.—As soon as is prac-  
4 ticable, but not later than 90 days after the date of  
5 the enactment of this Act, the Director of National  
6 Intelligence shall submit to Congress a report on the  
7 process for vetting and clearing statements of Ad-  
8 ministration officials that are drawn from or rely  
9 upon intelligence.

10 (2) ELEMENTS.—The report shall—

11 (A) describe current policies and practices  
12 of the Office of the Director of National Intel-  
13 ligence and the intelligence community for—

14 (i) vetting and clearing statements of  
15 senior Administration officials that are  
16 drawn from or rely upon intelligence; and

17 (ii) how significant misstatements of  
18 intelligence that may occur in public state-  
19 ments of senior public officials are identi-  
20 fied, brought to the attention of any such  
21 officials, and corrected;

22 (B) assess the sufficiency and adequacy of  
23 such policies and practices; and

1 (C) include any recommendations that the  
2 Director considers appropriate to improve such  
3 policies and practices.

4 **SEC. 1217. REPORTS ON IMPLEMENTATION OF THE**  
5 **DARFUR PEACE AGREEMENT.**

6 (a) REQUIREMENT FOR REPORTS.—Not later than  
7 30 days after the date of the enactment of this Act, and  
8 every 60 days thereafter until the date that the President  
9 submits the certification described in subsection (b), the  
10 President shall submit to Congress a report on the imple-  
11 mentation of the Darfur Peace Agreement of May 5, 2006,  
12 and the situation in Darfur, Sudan. Each such report shall  
13 include—

14 (1) a description of the steps being taken by the  
15 Government of Sudan, the Sudan Liberation Move-  
16 ment/Army (SLM/A), and other parties to the  
17 Agreement to uphold their commitments to—

18 (A) demobilize and disarm the Janjaweed,  
19 as stated in paragraphs 214(F), 338, 339, 340,  
20 366, 387, and 368 of the Agreement;

21 (B) provide secure, unfettered access for  
22 humanitarian personnel and supplies, as stated  
23 in paragraph 214(E) of the Agreement;

24 (C) ensure that foreign combatants respect  
25 the provisions of the Agreement, as stated in

1 paragraphs 341 through 344 of the Agreement;  
2 and

3 (D) expedite the safe and voluntary return  
4 of internally-displaced persons and refugees to  
5 their places of origin, as stated in paragraphs  
6 182 through 187 of the Agreement; and

7 (2) a description of any violation of the Agree-  
8 ment and any delay in implementing the Agreement,  
9 including any such violation or delay that com-  
10 promises the safety of civilians, and the names of  
11 the individuals or entities responsible for such viola-  
12 tion or delay;

13 (3) a description of any attacks against civilians  
14 and any activities that disrupt implementation of the  
15 Agreement by armed persons who are not a party to  
16 the Agreement; and

17 (4) a description of the ability of the Ceasefire  
18 Commission, the African Union Mission in Sudan,  
19 and the other organizations identified in the Agree-  
20 ment to monitor the implementation of the Agree-  
21 ment, and a description of any obstruction to such  
22 monitoring.

23 (b) CERTIFICATION.—The certification described in  
24 this subsection is a certification made by the President  
25 and submitted to Congress that the Government of Sudan

1 has fulfilled its obligations under the Darfur Peace Agree-  
 2 ment of May 5, 2006, to demobilize and disarm the  
 3 Janjaweed and to protect civilians.

4 (c) FORM AND AVAILABILITY OF REPORTS.—

5 (1) FORM.—A report submitted under this sec-  
 6 tion shall be in an unclassified form and may include  
 7 a classified annex.

8 (2) AVAILABILITY.—The President shall make  
 9 the unclassified portion of a reported submitted  
 10 under this section available to the public.

## 11 **Subtitle B—Report Matters**

### 12 **SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPA-** 13 **TION OF MULTINATIONAL PARTNERS IN THE** 14 **UNITED NATIONS COMMAND IN THE REPUB-** 15 **LIC OF KOREA.**

16 (a) REPORT REQUIRED.—Not later than 180 days  
 17 after the date of the enactment of this Act, the Secretary  
 18 of Defense, in coordination with the Secretary of State,  
 19 shall submit to the appropriate committees of Congress  
 20 a report on an increased role and participation of multi-  
 21 national partners in the United Nations Command in the  
 22 Republic of Korea.

23 (b) ELEMENTS.—The report required by subsection  
 24 (a) shall include the following:

1           (1) A list of the nations that are current mem-  
2       bers of the United Nations Command in the Repub-  
3       lic of Korea, and a detailed description of the role  
4       and participation of each such member nation in the  
5       responsibilities and activities of the United Nations  
6       Command.

7           (2) A detailed description of efforts being un-  
8       dertaken by the United States to encourage en-  
9       hanced participation in the responsibilities and ac-  
10      tivities of the United Nations Command in the Re-  
11      public of Korea by such member nations.

12          (3) A discussion of whether and how members  
13      of the United Nations Command in the Republic of  
14      Korea might be persuaded to deploy military forces  
15      in peacetime to the Republic of Korea to bolster the  
16      deterrence mission of the United Nations Command.

17          (4) An assessment of how the military and po-  
18      litical requirements for United States military forces  
19      in the Republic of Korea might be affected were  
20      multinational partners in the United Nations Com-  
21      mand in the Republic of Korea to increase their con-  
22      tribution of military forces stationed in the Republic  
23      of Korea.

24          (5) An assessment of whether and how the con-  
25      tribution of additional military forces to the United



1 Nations Command in the Republic of Korea by a  
 2 multinational partner might affect that partner's ap-  
 3 proach to facilitating a diplomatic resolution of the  
 4 nuclear challenge posed by the Democratic Peoples  
 5 Republic of Korea.

6 (c) FORM.—The report required by subsection (a)  
 7 shall be submitted in unclassified form, but may include  
 8 a classified annex.

9 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
 10 FINED.—In this section, the term “appropriate commit-  
 11 tees of Congress” means—

12 (1) the Committees on Armed Services and  
 13 Foreign Relations of the Senate; and

14 (2) the Committees on Armed Services and  
 15 International Relations of the House of Representa-  
 16 tives.

17 **SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCE-**  
 18 **DURES FOR STABILIZATION AND RECON-**  
 19 **STRUCTION OPERATIONS.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-  
 21 gress that—

22 (1) the United States Government should bring  
 23 to bear all elements of national power to achieve its  
 24 national security objectives, including stabilization  
 25 and reconstruction operations;

1           (2) civilian agencies of the United States Gov-  
2           ernment lack the capacity to deploy rapidly, and for  
3           sustained periods of time, trained personnel to sup-  
4           port stabilization and reconstruction operations in  
5           the field;

6           (3) civilian agencies of the United States Gov-  
7           ernment should expand their capacity to plan, co-  
8           ordinate, and conduct stabilization and reconstruc-  
9           tion operations, including their capacity to deploy ci-  
10          vilians with relevant expertise to participate in sus-  
11          tained stability and reconstruction operations;

12          (4) National Security Presidential Directive 44,  
13          entitled “Management of Interagency Efforts Con-  
14          cerning Reconstruction and Stabilization”, is a posi-  
15          tive step toward improving coordination, planning,  
16          and implementation by the United States Govern-  
17          ment of reconstruction and stabilization assistance  
18          for foreign states and regions at risk of, in, or in  
19          transition from conflict or civil strife;

20          (5) all the relevant United States Government  
21          agencies should include in their budget requests for  
22          future fiscal years adequate funding for planning  
23          and preparing to support contingency operations  
24          and, as necessary, request emergency supplemental  
25          funds for unanticipated contingency operations; and

1           (6) the President should provide clear guidance  
2           to United States Government agencies to manage  
3           complex operations and establish a standard, inte-  
4           grated approach to the planning and conduct of  
5           interagency operations to ensure a coherent and uni-  
6           fied United States Government approach to contin-  
7           gency operations.

8           (b) REPORT.—Not later than six months after the  
9           date of the enactment of this Act, the President shall sub-  
10          mit to Congress a report setting forth a plan to establish  
11          interagency operating procedures for the departments and  
12          agencies of the United States Government for the plan-  
13          ning and conduct of stabilization and reconstruction oper-  
14          ations.

15          (c) PLAN ELEMENTS.—The plan required under the  
16          report under subsection (b) shall include the following:

17               (1) A delineation of the roles, responsibilities,  
18               and authorities of the departments and agencies of  
19               the United States Government for stabilization and  
20               reconstruction operations.

21               (2) A description of operational processes for  
22               setting policy direction for stabilization and recon-  
23               struction operations in order to guide—

24                       (A) operational planning and funding deci-  
25                       sions of such departments and agencies;

1 (B) oversight of policy implementation;

2 (C) integration of programs and activities  
3 into an implementation plan;

4 (D) integration of civilian and military  
5 planning efforts;

6 (E) provision of guidance to field-level per-  
7 sonnel on program direction and priorities; and

8 (F) monitoring of field implementation of  
9 assistance programs.

10 (3) A description of available capabilities and  
11 resources of each department and agency of the  
12 United States Government that could be used in  
13 support of stabilization and reconstruction oper-  
14 ations, and an identification of additional resources  
15 needed to support the conduct of stabilization and  
16 reconstruction activities.

17 (4) A description of how the capabilities and re-  
18 sources of the departments and agencies of the  
19 United States Government under stabilization and  
20 reconstruction operations will be coordinated.

21 (5) A description of existing, or planned, proto-  
22 cols between departments and agencies of the United  
23 States Government on the utilization and allocation  
24 of assets in field operations under stabilization and  
25 reconstruction operations.

1           (6) Recommendations for improving interagency  
2       training, education, and simulation exercises in  
3       order to adequately prepare civilian and military  
4       personnel in the departments and agencies of the  
5       United States Government to perform stabilization  
6       and reconstruction operations.

7           (7) A discussion of the statutory and budgetary  
8       impediments, if any, that prevent civilian agencies of  
9       the United States Government from fully and effec-  
10      tively participating in stabilization and reconstruc-  
11      tion operations, and recommendations for legislative  
12      or administration actions to enhance the ability of  
13      the United States Government to conduct stabiliza-  
14      tion and reconstruction operations.

15          (8) Guidance for the implementation of the  
16      plan.

17 **SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

18       (a) REPORTS ON ALLIED CONTRIBUTIONS TO THE  
19      COMMON DEFENSE.—Section 1003 of the Department of  
20      Defense Authorization Act, 1985 (22 U.S.C. 1928 note)  
21      is amended by striking subsections (c) and (d).

22       (b) COST-SHARING REPORT.—Section 1313 of the  
23      National Defense Authorization Act for Fiscal Year 1995  
24      (Public Law 103–337; 108 Stat. 2894; 22 U.S.C. 1928  
25      note) is amended—

1 (1) by striking subsection (c); and

2 (2) by redesignating subsection (d) as sub-  
3 section (c).

4 **SEC. 1224. REPORTS ON THE DARFUR PEACE AGREEMENT.**

5 Not later than 60 days after the date of the enact-  
6 ment of this Act, annually thereafter, the Secretary of De-  
7 fense shall submit to the Committee on Armed Services  
8 of the Senate and the Committee on Armed Services of  
9 the House of Representatives a detailed report on the De-  
10 partment of Defense's role in assisting the parties to the  
11 Darfur Peace Agreement of May 5, 2006 with imple-  
12 menting that Agreement. Each such report shall include  
13 a description of—

14 (1) the assets that the United States military,  
15 in concert with the United States North Atlantic  
16 Treaty Organisation (NATO) allies, are able to offer  
17 the African Union Mission in Sudan (AMIS) and  
18 any United Nations peacekeeping mission authorized  
19 for Darfur;

20 (2) any plans of the Secretary of Defense to  
21 support the AMIS by providing information regard-  
22 ing the location of belligerents and potential viola-  
23 tions of the Darfur Peace Agreement and assistance  
24 to improve the AMIS use of intelligence and tactical  
25 mobility;

1           (3) the resources that will be used during the  
 2           current fiscal year to provide the support described  
 3           in paragraph (2) and the resources that will be  
 4           needed during the next fiscal year to provide such  
 5           support;

6           (4) the efforts of the Secretary of Defense and  
 7           Secretary of State to leverage troop contributions  
 8           from other countries to serve in the proposed United  
 9           Nation peacekeeping mission for Darfur;

10          (5) any plans of the Secretary of Defense to  
 11          participate in the deployment of any NATO men-  
 12          toring or technical assistance teams to Darfur to as-  
 13          sist the AMIS; and

14          (6) any actions carried out by the Secretary of  
 15          Defense to address deficiencies in the AMIS commu-  
 16          nications systems, particularly the interoperability of  
 17          communications equipment.

18 **TITLE                   XIII—COOPERATIVE**  
 19 **THREAT   REDUCTION   WITH**  
 20 **STATES OF THE FORMER SO-**  
 21 **VIET UNION**

22 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
 23 **DUCTION PROGRAMS AND FUNDS.**

24          (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
 25          poses of section 301 and other provisions of this Act, Co-

1 operative Threat Reduction programs are the programs  
 2 specified in section 1501(b) of the National Defense Au-  
 3 thorization Act for Fiscal Year 1997 (Public Law 104–  
 4 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

5 (b) FISCAL YEAR 2007 COOPERATIVE THREAT RE-  
 6 Duction FUNDS DEFINED.—As used in this title, the  
 7 term “fiscal year 2007 Cooperative Threat Reduction  
 8 funds” means the funds appropriated pursuant to the au-  
 9 thorization of appropriations in section 301 for Coopera-  
 10 tive Threat Reduction programs.

11 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
 12 pursuant to the authorization of appropriations in section  
 13 301 for Cooperative Threat Reduction programs shall be  
 14 available for obligation for three fiscal years.

15 **SEC. 1302. FUNDING ALLOCATIONS.**

16 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
 17 \$372,128,000 authorized to be appropriated to the De-  
 18 partment of Defense for fiscal year 2007 in section  
 19 301(19) for Cooperative Threat Reduction programs, the  
 20 following amounts may be obligated for the purposes spec-  
 21 ified:

22 (1) For strategic offensive arms elimination in  
 23 Russia, \$77,000,000.

24 (2) For nuclear weapons storage security in  
 25 Russia, \$87,100,000.



1           (3) For nuclear weapons transportation security  
2       in Russia, \$33,000,000.

3           (4) For weapons of mass destruction prolifera-  
4       tion prevention in the states of the former Soviet  
5       Union, \$37,500,000.

6           (5) For biological weapons proliferation preven-  
7       tion in the former Soviet Union, \$68,400,000.

8           (6) For chemical weapons destruction in Rus-  
9       sia, \$42,700,000.

10          (7) For defense and military contacts,  
11       \$8,000,000.

12          (8) For activities designated as Other Assess-  
13       ments/Administrative Support, \$18,500,000.

14       (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
15 FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Co-  
16 operative Threat Reduction funds may be obligated or ex-  
17 pended for a purpose other than a purpose listed in para-  
18 graphs (1) through (8) of subsection (a) until 30 days  
19 after the date that the Secretary of Defense submits to  
20 Congress a report on the purpose for which the funds will  
21 be obligated or expended and the amount of funds to be  
22 obligated or expended. Nothing in the preceding sentence  
23 shall be construed as authorizing the obligation or expend-  
24 iture of fiscal year 2007 Cooperative Threat Reduction  
25 funds for a purpose for which the obligation or expendi-

1 ture of such funds is specifically prohibited under this title  
 2 or any other provision of law.

3 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
 4 AMOUNTS.—

5 (1) AUTHORITY.—Subject to paragraphs (2)  
 6 and (3), in any case in which the Secretary of De-  
 7 fense determines that it is necessary to do so in the  
 8 national interest, the Secretary may obligate  
 9 amounts appropriated for fiscal year 2007 for a pur-  
 10 pose listed in any of the paragraphs in subsection  
 11 (a) in excess of the specific amount authorized for  
 12 that purpose.

13 (2) NOTICE AND WAIT.—An obligation of funds  
 14 for a purpose stated in any of the paragraphs in  
 15 subsection (a) in excess of the specific amount au-  
 16 thorized for such purpose may be made using the  
 17 authority provided in paragraph (1) only after—

18 (A) the Secretary submits to Congress no-  
 19 tification of the intent to do so together with a  
 20 complete discussion of the justification for  
 21 doing so; and

22 (B) 15 days have elapsed following the  
 23 date of the notification.

24 (3) LIMITATION.—The Secretary may not,  
 25 under the authority provided in paragraph (1), obli-

1       gate amounts for a purpose stated in any of para-  
 2       graphs (6) through (8) of subsection (a) in excess of  
 3       125 percent of the specific amount authorized for  
 4       such purpose.

5   **SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO**  
 6                   **WAIVE LIMITATION ON FUNDING FOR CHEM-**  
 7                   **ICAL WEAPONS DESTRUCTION FACILITY IN**  
 8                   **RUSSIA.**

9       Section 1303(b) of the Ronald W. Reagan National  
 10   Defense Authorization Act for Fiscal Year 2005 (Public  
 11   Law 108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is  
 12   amended by striking “December 31, 2006, and no waiver  
 13   shall remain in effect after that date” and inserting “De-  
 14   cember 31, 2011”.

15   **SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PRO-**  
 16                   **VISION OF COOPERATIVE THREAT REDUC-**  
 17                   **TION ASSISTANCE.**

18       (a) REPEAL OF RESTRICTIONS.—

19           (1) SOVIET NUCLEAR THREAT REDUCTION ACT  
 20       OF 1991.—Section 211(b) of the Soviet Nuclear  
 21       Threat Reduction Act of 1991 (title II of Public  
 22       Law 102–228; 22 U.S.C. 2551 note) is repealed.

23           (2) COOPERATIVE THREAT REDUCTION ACT OF  
 24       1993.—Section 1203(d) of the Cooperative Threat

1 Reduction Act of 1993 (title XII of Public Law  
2 103–160; 22 U.S.C. 5952(d)) is repealed.

3 (3) RUSSIAN CHEMICAL WEAPONS DESTRUC-  
4 TION FACILITIES.—Section 1305 of the National De-  
5 fense Authorization Act for Fiscal Year 2000 (Pub-  
6 lic Law 106–65; 22 U.S.C. 5952 note) is repealed.

7 (b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

8 Section 502 of the Freedom for Russia and Emerging  
9 Eurasian Democracies and Open Markets Support Act of  
10 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.  
11 5852) shall not apply to any Cooperative Threat Reduc-  
12 tion program.

13 **TITLE XIV—AUTHORIZATION**  
14 **FOR INCREASED COSTS DUE**  
15 **TO OPERATION IRAQI FREE-**  
16 **DOM AND OPERATION EN-**  
17 **DURING FREEDOM**

18 **SEC. 1401. PURPOSE.**

19 The purpose of this title is to authorize anticipated  
20 future emergency supplemental appropriations for the De-  
21 partment of Defense for fiscal year 2007 to provide funds  
22 for additional costs due to Operation Iraqi Freedom and  
23 Operation Enduring Freedom.

1   **SEC. 1402. ARMY PROCUREMENT.**

2           Funds are hereby authorized to be appropriated for  
3   fiscal year 2007 for procurement accounts of the Army  
4   in amounts as follows:

5           (1) For aircraft, \$404,100,000.

6           (2) For missile procurement, \$450,000,000.

7           (3) For weapons and tracked combat vehicles,  
8   \$214,400,000.

9           (4) For other procurement, \$686,600,000.

10   **SEC. 1403. MARINE CORPS PROCUREMENT.**

11          Funds are hereby authorized to be appropriated for  
12   fiscal year 2007 for the procurement account for the Ma-  
13   rine Corps in the amount of \$319,800,000.

14   **SEC. 1404. AIR FORCE PROCUREMENT.**

15          Funds are hereby authorized to be appropriated for  
16   fiscal year 2007 for the aircraft procurement account for  
17   the Air Force in the amount of \$51,800,000.

18   **SEC. 1405. OPERATION AND MAINTENANCE.**

19          Funds are hereby authorized to be appropriated for  
20   fiscal year 2007 for the use of the Armed Forces for ex-  
21   penses, not otherwise provided for, for operation and  
22   maintenance, in amounts as follows:

23           (1) For the Army, \$22,124,466,000.

24           (2) For the Navy, \$2,349,560,000.

25           (3) For the Marine Corps, \$1,544,920,000.

26           (4) For the Air Force, \$2,779,898,000.

1           (5)       For       Defense-wide       activities,  
2       \$3,388,402,000.

3           (6)       For   the   Army   National   Guard,  
4       \$59,000,000.

5   **SEC. 1406. DEFENSE HEALTH PROGRAM.**

6       Funds are hereby authorized to be appropriated for  
7 the Department of Defense for fiscal year 2007 for ex-  
8 penses, not otherwise provided for, for the Defense Health  
9 Program in the amount of \$960,200,000 for operation and  
10 maintenance.

11 **SEC. 1407. MILITARY PERSONNEL.**

12       There is hereby authorized to be appropriated to the  
13 Department of Defense for fiscal year 2007 for military  
14 personnel accounts a total of \$7,335,872,000.

15 **SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
16 **FUND.**

17       There is hereby authorized to be appropriated to the  
18 Department of Defense for fiscal year for the Joint Impro-  
19 vised Explosive Device Defeat Fund a total of  
20 \$2,100,000,000.

21 **SEC. 1409. CLASSIFIED PROGRAMS.**

22       There is hereby authorized to be appropriated to the  
23 Department of Defense for fiscal year 2007 for classified  
24 programs a total of \$3,000,000,000.

1 **SEC. 1410. IRAQ FREEDOM FUND.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal year 2007 for the Iraq Freedom  
4 Fund in the amount of \$2,230,982,000.

5 (b) TRANSFER.—

6 (1) TRANSFER AUTHORIZED.—Subject to para-  
7 graph (2), amounts authorized to be appropriated by  
8 subsection (a) may be transferred from the Iraq  
9 Freedom Fund to any accounts as follows:

10 (A) Operation and maintenance accounts  
11 of the Armed Forces.

12 (B) Military personnel accounts.

13 (C) Research, development, test, and eval-  
14 uation accounts of the Department of Defense.

15 (D) Procurement accounts of the Depart-  
16 ment of Defense.

17 (E) Accounts providing funding for classi-  
18 fied programs.

19 (F) The operating expenses account of the  
20 Coast Guard.

21 (2) NOTICE TO CONGRESS.—A transfer may not  
22 be made under the authority in paragraph (1) until  
23 five days after the date on which the Secretary of  
24 Defense notifies the congressional defense commit-  
25 tees in writing of the transfer.

1           (3) TREATMENT OF TRANSFERRED FUNDS.—

2       Amounts transferred to an account under the au-  
 3       thority in paragraph (1) shall be merged with  
 4       amounts in such account and shall be made available  
 5       for the same purposes, and subject to the same con-  
 6       ditions and limitations, as amounts in such account.

7           (4) EFFECT ON AUTHORIZATION AMOUNTS.—A

8       transfer of an amount to an account under the au-  
 9       thority in paragraph (1) shall be deemed to increase  
 10      the amount authorized for such account by an  
 11      amount equal to the amount transferred.

12 **SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

13      The amounts authorized to be appropriated by this  
 14      title are in addition to amounts otherwise authorized to  
 15      be appropriated by this Act.

16 **SEC. 1412. TRANSFER AUTHORITY.**

17      (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

18           (1) AUTHORITY.—Upon determination by the  
 19      Secretary of Defense that such action is necessary in  
 20      the national interest, the Secretary may transfer  
 21      amounts of authorizations made available to the De-  
 22      partment of Defense in this title for fiscal year 2007  
 23      between any such authorizations for that fiscal year  
 24      (or any subdivisions thereof). Amounts of authoriza-  
 25      tions so transferred shall be merged with and be



1       available for the same purposes as the authorization  
2       to which transferred.

3           (2) LIMITATION.—The total amount of author-  
4       izations that the Secretary may transfer under the  
5       authority of this section may not exceed  
6       \$2,500,000,000. The transfer authority provided in  
7       this section is in addition to any other transfer au-  
8       thority available to the Secretary of Defense.

9       (b) LIMITATIONS.—The authority provided by this  
10      section to transfer authorizations—

11           (1) may only be used to provide authority for  
12      items that have a higher priority than the items  
13      from which authority is transferred;

14           (2) may not be used to provide authority for an  
15      item that has been denied authorization by Con-  
16      gress; and

17           (3) may not be combined with the authority  
18      under section 1001.

19       (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
20      transfer made from one account to another under the au-  
21      thority of this section shall be deemed to increase the  
22      amount authorized for the account to which the amount  
23      is transferred by an amount equal to the amount trans-  
24      ferred.

1 (d) NOTICE TO CONGRESS.—A transfer may be made  
 2 under the authority of this section only after the Secretary  
 3 of Defense—

4 (1) consults with the chairmen and ranking  
 5 members of the congressional defense committees  
 6 with respect to the proposed transfer; and

7 (2) after such consultation, notifies those com-  
 8 mittees in writing of the proposed transfer not less  
 9 than five days before the transfer is made.

10 **SEC. 1413. AVAILABILITY OF FUNDS.**

11 Funds in this title shall be made available for obliga-  
 12 tion to the Army, Navy, Marine Corps, Air Force, and  
 13 Defense-wide components by the end of the second quarter  
 14 of fiscal year 2007.

15 **SEC. 1414. AMOUNT FOR PROCUREMENT OF HEMOSTATIC**  
 16 **AGENTS FOR USE IN THE FIELD.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-  
 18 gress that every member of the Armed Forces deployed  
 19 in a combat zone should carry life saving resources on  
 20 them, including hemostatic agents.

21 (b) AVAILABILITY OF FUNDS.—(1) Of the amount  
 22 authorized under section 1405(1) for operation and main-  
 23 tenance for the Army, \$15,000,000 may be made available  
 24 for the procurement of a sufficient quantity of hemostatic  
 25 agents, including blood-clotting bandages, for use by mem-

1 bers of the Armed Forces in the field so that each soldier  
2 serving in Iraq and Afghanistan is issued at least one he-  
3 mostatic agent and accompanying medical personnel have  
4 a sufficient inventory of hemostatic agents.

5 (2) Of the amount authorized under section 1405(3)  
6 for operation and maintenance for the Marine Corps,  
7 \$5,000,000 may be made available for the procurement  
8 of a sufficient quantity of hemostatic agents, including  
9 blood-clotting bandages, for use by members of the Armed  
10 Forces in the field so that each Marine serving in Iraq  
11 and Afghanistan is issued at least one hemostatic agent  
12 and accompanying medical personnel have a sufficient in-  
13 ventory of hemostatic agents.

14 (c) REPORT.—Not later than 60 days after the date  
15 of the enactment of this Act, the Secretary of Defense  
16 shall submit to the congressional defense committees a re-  
17 port on the distribution of hemostatic agents to members  
18 of the Armed Forces serving in Iraq and Afghanistan, in-  
19 cluding a description of any distribution problems and at-  
20 tempts to resolve such problems.

21 **SEC. 1415. OUR MILITARY KIDS YOUTH SUPPORT PRO-**  
22 **GRAM.**

23 (a) ARMY FUNDING FOR EXPANSION OF PRO-  
24 GRAM.—Of the amount authorized to be appropriated by  
25 section 1405(1) for operation and maintenance for the

1 Army, \$1,500,000 may be available for the expansion na-  
2 tionwide of the Our Military Kids youth support program  
3 for dependents of elementary and secondary school age of  
4 members of the National Guard and Reserve who are se-  
5 verely wounded or injured during deployment.

6 (b) ARMY NATIONAL GUARD FUNDING FOR EXPAN-  
7 SION OF PROGRAM.—Of the amount authorized to be ap-  
8 propriated by section 1405(6) for operation and mainte-  
9 nance for the Army National Guard, \$500,000 may be  
10 available for the expansion nationwide of the Our Military  
11 Kids youth support program.

12 **SEC. 1416. JOINT ADVERTISING, MARKET RESEARCH AND**  
13 **STUDIES PROGRAM.**

14 (a) INCREASE IN AMOUNT FOR OPERATION AND  
15 MAINTENANCE, DEFENSE-WIDE.—The amount author-  
16 ized to be appropriated by section 301(5) for operation  
17 and maintenance for Defense-wide activities, is hereby in-  
18 creased by \$10,000,000.

19 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
20 thorized to be appropriated by section 1405(5) for oper-  
21 ation and maintenance for Defense-wide activities, as in-  
22 creased by subsection (a), \$10,000,000 may be available  
23 for the Joint Advertising, Market Research and Studies  
24 (JAMRS) program.

1       (c) OFFSET.—The amount authorized to be appro-  
 2       priated by section 421 for military personnel is hereby de-  
 3       creased by \$10,000,000, due to unexpended obligations,  
 4       if available.

5       **SEC. 1417. REPORT.**

6       Not later than 120 days after the date of enactment  
 7       of this Act, the Secretary of Defense shall submit to the  
 8       Committees on Armed Services of the Senate and House  
 9       of Representatives a report on how the data, including so-  
 10      cial security numbers, contained in the Joint Advertising,  
 11      Market Research and Studies (JAMRS) program is main-  
 12      tained and protected, including the security measures in  
 13      place to prevent unauthorized access or inadvertent disclo-  
 14      sure of the data that could lead to identity theft.

15      **SEC. 1418. SUBMITTAL TO CONGRESS OF DEPARTMENT OF**  
 16                                   **DEFENSE SUPPLEMENTAL AND COST OF WAR**  
 17                                   **EXECUTION REPORTS.**

18      Section 1221(c) of the National Defense Authoriza-  
 19      tion Act for Fiscal Year 2006 (Public Law 109–163; 119  
 20      Stat. 3462; 10 U.S.C. 113 note) is amended—

- 21                   (1) in the subsection caption by inserting  
 22                   “CONGRESS AND” after “SUBMISSION TO”; and  
 23                   (2) by inserting “the congressional defense  
 24                   committees and” before “the Comptroller General”.

1 **SEC. 1419. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
 2 **CERTAIN PURPOSES RELATING TO IRAQ.**

3 No funds authorized to be appropriated by this Act  
 4 may be obligated or expended for a purpose as follows:

5 (1) To establish a permanent United States  
 6 military installation or base in Iraq.

7 (2) To exercise United States control over the  
 8 oil resources of Iraq.

9 **DIVISION B—MILITARY CON-**  
 10 **STRUCTION AUTHORIZA-**  
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 This division may be cited as the “Military Construc-  
 14 tion Authorization Act for Fiscal Year 2007”.

15 **TITLE XXI—ARMY**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 17 **ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 19 appropriated pursuant to the authorization of appropria-  
 20 tions in section 2104(a)(1), the Secretary of the Army  
 21 may acquire real property and carry out military construc-  
 22 tion projects for the installations or locations inside the  
 23 United States, and in the amounts, set forth in the fol-  
 24 lowing table:

**Army: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Redstone Arsenal .....	\$20,000,000
Alaska .....	Fort Richardson .....	\$72,300,000
	Fort Wainwright .....	\$8,800,000
California .....	Fort Irwin .....	\$10,000,000
Colorado .....	Fort Carson .....	\$24,000,000
Georgia .....	Fort Gillem .....	\$15,000,000
	Fort Stewart/Hunter Army Air Field.	\$95,300,000
Hawaii .....	Schofield Barracks .....	\$54,500,000
Kansas .....	Fort Leavenworth .....	\$15,000,000
	Fort Riley .....	\$47,400,000
Kentucky .....	Blue Grass Army Depot .....	\$3,500,000
	Fort Campbell .....	\$127,200,000
Louisiana .....	Fort Polk .....	\$9,800,000
Maryland .....	Aberdeen Proving Ground .....	\$8,800,000
Michigan .....	Detroit Arsenal .....	\$18,500,000
Missouri .....	Fort Leonard Wood .....	\$23,900,000
New York .....	Fort Drum .....	\$209,200,000
North Carolina .....	Fort Bragg .....	\$96,900,000
	Sunny Point (Military Ocean Terminal).	\$46,000,000
Oklahoma .....	McAlester Army Ammunition Plant.	\$3,050,000
Pennsylvania .....	Letterkenny Depot .....	\$7,500,000
Texas .....	Fort Hood .....	\$75,000,000
	Red River Depot .....	\$6,000,000
Utah .....	Dugway Proving Ground .....	\$14,400,000
Virginia .....	Fort Belvoir .....	\$58,000,000
Washington .....	Fort Lewis .....	\$502,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Grafenwoehr .....	\$157,632,000
	Vilseck .....	\$19,000,000
Italy .....	Vicenza .....	\$223,000,000
Japan .....	Camp Hansen .....	\$7,150,000
Korea .....	Camp Humphreys .....	\$77,000,000
	Yongpyong .....	\$7,400,000
Romania .....	Babadag Range .....	\$34,800,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2104(a)(5)(A), the Secretary of the  
 5 Army may construct or acquire family housing units (in-  
 6 cluding land acquisition and supporting facilities) at the  
 7 installations or locations, for the purposes, and in the  
 8 amounts set forth in the following table:

**Army: Family Housing**

State	Installation or Location	Purpose	Amount
Alaska .....	Fort Richardson .....	162 Units ....	\$70,000,000
	Fort Wainwright .....	234 Units ....	\$132,000,000
Arizona .....	Fort Huachuca .....	119 Units ....	\$32,000,000
Arkansas .....	Pine Bluff Arsenal .....	10 Units .....	\$2,900,000
Wisconsin .....	Fort McCoy .....	13 Units .....	\$4,900,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-  
 10 priated pursuant to the authorization of appropriations in  
 11 section 2104(a)(5)(A), the Secretary of the Army may  
 12 carry out architectural and engineering services and con-  
 13 struction design activities with respect to the construction  
 14 or improvement of family housing units in an amount not  
 15 to exceed \$16,332,000.

16 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States  
 19 Code, and using amounts appropriated pursuant to the  
 20 authorization of appropriations in section 2104(a)(5)(A),  
 21 the Secretary of the Army may improve existing military



1 family housing units in an amount not to exceed  
2 \$336,859,000.

3 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
5 are hereby authorized to be appropriated for fiscal years  
6 beginning after September 30, 2006, for military con-  
7 struction, land acquisition, and military family housing  
8 functions of the Department of the Army in the total  
9 amount of \$3,452,581,000 as follows:

10 (1) For military construction projects inside the  
11 United States authorized by section 2101(a),  
12 \$1,266,650,000.

13 (2) For military construction projects outside  
14 the United States authorized by section 2101(b),  
15 \$525,982,000.

16 (3) For unspecified minor military construction  
17 projects authorized by section 2805 of title 10,  
18 United States Code, \$23,000,000.

19 (4) For architectural and engineering services  
20 and construction design under section 2807 of title  
21 10, United States Code, \$217,629,000.

22 (5) For military family housing functions:

23 (A) For construction and acquisition, plan-  
24 ning and design, and improvement of military  
25 family housing and facilities, \$594,991,000.

1 (B) For support of military family housing  
2 (including the functions described in section  
3 2833 of title 10, United States Code),  
4 \$676,829,000.

5 (6) For the construction of increment 2 of a  
6 barracks complex at Fort Drum, New York, author-  
7 ized by section 2101(a) of the Military Construction  
8 Authorization Act for fiscal year 2006 (division B of  
9 Public Law 109–163; 119 Stat. 3485), \$16,500,000.

10 (7) For the construction of increment 2 of a  
11 barracks complex for divisional artillery at Fort  
12 Bragg, North Carolina, authorized by section  
13 2101(a) of the Military Construction Authorization  
14 Act for fiscal year 2006 (division B of Public Law  
15 109–163; 119 Stat. 3485), \$37,000,000.

16 (8) For the construction of increment 2 of a  
17 barracks complex for the 3rd Brigade at Fort  
18 Bragg, North Carolina, authorized by section  
19 2101(a) of the Military Construction Authorization  
20 Act for Fiscal Year 2006 (division B of Public Law  
21 109–163; 119 Stat. 3485), \$50,000,000.

22 (9) For the construction of increment 2 of a  
23 barracks complex for the 2nd Brigade at Fort  
24 Bragg, North Carolina, authorized by section  
25 2101(a) of the Military Construction Authorization

1 Act for Fiscal Year 2006 (division B of Public Law  
2 109–163; 119 Stat. 3485), \$31,000,000.

3 (10) For the construction of phase 2 of the De-  
4 fense Access Road at Fort Belvoir, Virginia, author-  
5 ized by section 2101(a) of the Military Construction  
6 Authorization Act for Fiscal Year 2006 (division B  
7 of Public Law 109–163; 119 Stat. 3486),  
8 \$13,000,000.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
10 PROJECTS.—Notwithstanding the cost variations author-  
11 ized by section 2853 of title 10, United States Code, and  
12 any other cost variation authorized by law, the total cost  
13 of all projects carried out under section 2101 of this Act  
14 may not exceed the sum of the following:

15 (1) The total amount authorized to be appro-  
16 priated under paragraphs (1) and (2) of subsection  
17 (a).

18 (2) \$306,000,000 (the balance of the amount  
19 authorized under section 2101(a) for construction of  
20 a brigade complex for Fort Lewis, Washington).

21 (3) \$40,400,000 (the balance of the amount au-  
22 thorized under section 2101(a) of the Military Con-  
23 struction Authorization Act for Fiscal Year 2005  
24 (division B of Public Law 108–375; 118 Stat. 2101)

for construction of a barracks complex for divisional  
artillery for Fort Bragg, North Carolina).

## TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts  
appropriated pursuant to the authorization of appropria-  
tions in section 2204(a)(1), the Secretary of the Navy may  
acquire real property and carry out military construction  
projects for the installations or locations inside the United  
States, and in the amounts, set forth in the following  
table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$5,966,000
California .....	Marine Corps Air Station, Camp Pen- dleton.	\$6,412,000
	Marine Corps Base, Camp Pendleton ....	\$106,142,000
	Marine Corps Air Station, Miramar .....	\$2,968,000
	Naval Air Station, North Island .....	\$21,535,000
	Marine Corps Base, Twentynine Palms	\$8,217,000
Connecticut .....	Naval Submarine Base, New London ....	\$9,580,000
Florida .....	Cape Canaveral .....	\$9,900,000
	Naval Station, Pensacola .....	\$13,486,000
Georgia .....	Marine Corps Logistics Base, Albany ....	\$62,000,000
	Navy Submarine Base, Kings Bay .....	\$20,282,000
Hawaii .....	Naval Base, Pearl Harbor .....	\$48,338,000
	Naval Shipyard, Pearl Harbor .....	\$22,000,000
Indiana .....	Naval Support Activity, Crane .....	\$6,730,000
Maine .....	Portsmouth Naval Shipyard .....	\$9,650,000
Maryland .....	Naval Air Station, Patuxent River .....	\$16,316,000
	Naval Support Activity, Suitland .....	\$67,939,000
Mississippi .....	Naval Air Station, Meridian .....	\$5,870,000
Nevada .....	Naval Air Station, Fallon .....	\$7,730,000
North Carolina .....	Marine Corps Air Station, New River ....	\$27,300,000
	Marine Corps Base, Camp Lejeune .....	\$160,904,000
Rhode Island .....	Naval Station, Newport .....	\$3,410,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$14,970,000
Virginia .....	Marine Corps Base, Quantico .....	\$30,628,000
	Naval Special Weapons Center, Dahl- gren.	\$9,850,000
	Naval Shipyard, Norfolk .....	\$34,952,000
	Naval Station, Norfolk .....	\$12,062,000
	Naval Support Activity, Norfolk .....	\$38,962,000
Washington .....	Naval Air Station, Whidbey Island .....	\$67,303,000

**Navy: Inside the United States**—Continued

State	Installation or Location	Amount
	Naval Submarine Base, Bangor .....	\$13,507,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Diego Garcia .....	Diego Garcia .....	\$37,473,000
Italy .....	Naval Air Station, Sigonella .....	\$13,051,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or Location	Amount
Various Locations .....	Helicopter Support Facility .....	\$12,185,000

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the

1 Navy may construct or acquire family housing units (in-  
 2 cluding land acquisition and supporting facilities) at the  
 3 installations or locations, for the purposes, and in the  
 4 amount set forth in the following table:

**Navy: Family Housing**

State	Installation or Location	Purpose	Amount
California .....	Marine Corps Logistics Base, Barstow .....	74 Units .....	\$27,851,000
Guam .....	Naval Base, Guam .....	176 Units ....	\$98,174,000

5 (b) PLANNING AND DESIGN.—Using amounts appro-  
 6 priated pursuant to the authorization of appropriations in  
 7 section 2204(a)(6)(A), the Secretary of the Navy may  
 8 carry out architectural and engineering services and con-  
 9 struction design activities with respect to the construction  
 10 or improvement of family housing units in an amount not  
 11 to exceed \$2,600,000.

12 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States  
 15 Code, and using amounts appropriated pursuant to the  
 16 authorization of appropriations in section 2204(a)(6)(A),  
 17 the Secretary of the Navy may improve existing military  
 18 family housing units in an amount not to exceed  
 19 \$176,446,000.

20 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 22 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2006, for military con-  
2 struction, land acquisition, and military family housing  
3 functions of the Department of the Navy in the total  
4 amount of \$2,072,435,000, as follows:

5 (1) For military construction projects inside the  
6 United States authorized by section 2201(a),  
7 \$808,750,000.

8 (2) For military construction projects outside  
9 the United States authorized by section 2201(b),  
10 \$50,524,000.

11 (3) For military construction projects at un-  
12 specified worldwide locations authorized by section  
13 2201(c), \$12,185,000.

14 (4) For unspecified minor military construction  
15 projects authorized by section 2805 of title 10,  
16 United States Code, \$8,939,000.

17 (5) For architectural and engineering services  
18 and construction design under section 2807 of title  
19 10, United States Code, \$71,247,000.

20 (6) For military family housing functions:

21 (A) For construction and acquisition, plan-  
22 ning and design, and improvement of military  
23 family housing and facilities, \$305,071,000.

1 (B) For support of military family housing  
2 (including functions described in section 2833  
3 of title 10, United States Code), \$498,525,000.

4 (7) For the construction of increment 2 of a  
5 helicopter hangar replacement at Naval Air Station,  
6 Jacksonville, Florida, authorized by section 2201(a)  
7 of the Military Construction Authorization Act for  
8 Fiscal Year 2006 (division B of Public Law 109–  
9 163; 119 Stat. 3489), \$43,250,000.

10 (8) For the construction of increment 2 of  
11 Alpha and Bravo wharf improvements at Naval  
12 Base, Guam, Marianas Islands, authorized by sec-  
13 tion 2201(b) of the Military Construction Authoriza-  
14 tion Act for Fiscal Year 2006 (division B of Public  
15 Law 109–163; 119 Stat. 3490), \$29,772,000.

16 (9) For the construction of increment 2 of re-  
17 cruit training barracks infrastructure upgrade at  
18 Recruit Training Command, Great Lakes, Illinois,  
19 authorized by section 2201(a) of the Military Con-  
20 struction Authorization Act for Fiscal Year 2006  
21 (division B of Public Law 109–163; 119 Stat.  
22 3490), \$23,589,000.

23 (10) For the construction of increment 2 of the  
24 Wesley Brown Field House at the United States  
25 Naval Academy, Annapolis, Maryland, authorized by



1 section 2201(a) of the Military Construction Author-  
2 ization Act for Fiscal Year 2006 (division B of Pub-  
3 lic Law 109–163; 119 Stat. 3490), \$26,685,000.

4 (11) For the construction of increment 2 of  
5 wharf upgrades at Naval Station, Yokosuka, Japan,  
6 authorized by section 2201(b) of the Military Con-  
7 struction Authorization Act for Fiscal Year 2006  
8 (division B of Public Law 109–163; 119 Stat.  
9 3490), \$44,360,000.

10 (12) For the construction of increment 2 of the  
11 ship repair pier 3 replacement at Naval Station,  
12 Norfolk, Virginia, authorized by section 2201(a) of  
13 the Military Construction Authorization Act for Fis-  
14 cal Year 2006 (division B of Public Law 109–163;  
15 119 Stat. 3490), \$30,939,000.

16 (13) For the construction of increment 2 of the  
17 Bachelor Enlisted Quarters Homeport Ashore Pro-  
18 gram at Naval Station, Everett, Washington, au-  
19 thorized by section 2201(a) of the Military Construc-  
20 tion Authorization Act for Fiscal Year 2006 (divi-  
21 sion B of Public Law 109–163; 119 Stat.3490),  
22 \$20,917,000.

23 (14) For the construction of phase 2 of the rec-  
24 lamation and conveyance project at Marine Corps  
25 Base, Camp Pendleton, California, authorized by

1 section 2201(a) of the Military Construction Author-  
2 ization Act for Fiscal Year 2006 (division B of Pub-  
3 lic Law 109–163; 119 Stat. 3489), \$33,290,000.

4 (15) For the construction of increment 3 of the  
5 Navy Outlying Landing Field facilities at Wash-  
6 ington County, North Carolina, authorized for var-  
7 ious locations, continental United States, by section  
8 2201(a) of the Military Construction Authorization  
9 Act for Fiscal Year 2004 (division B of Public Law  
10 108–136; 117 Stat. 1704), \$7,926,000.

11 (16) For the construction of increment 3 of the  
12 limited area production and storage complex at Stra-  
13 tegic Weapons Facility Pacific, Bangor, Washington,  
14 authorized by section 2201(a) of the Military Con-  
15 struction Authorization Act for Fiscal Year 2005  
16 (division B of Public Law 108–375; 118 Stat.  
17 2106), \$14,274,000.

18 (17) For the construction of increment 4 of pier  
19 11 replacement at Naval Station, Norfolk, Virginia,  
20 authorized by section 2201(a) of the Military Con-  
21 struction Authorization Act for Fiscal Year 2004  
22 (division B of Public Law 108–136; 117 Stat.  
23 1704), \$30,633,000.

24 (18) For the construction of increment 2 of an  
25 addition to Hockmuth Hall at Marine Corps Base,

1 Quantico, Virginia, authorized by section 2201(a) of  
2 the Military Construction Authorization Act for Fis-  
3 cal Year 2006 (division B of Public Law 109–163;  
4 119 Stat. 3490), \$11,559,000.

5 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
6 PROJECTS.—Notwithstanding the cost variations author-  
7 ized by section 2853 of title 10, United States Code, and  
8 any other cost variation authorized by law, the total cost  
9 of all projects carried out under section 2201 of this Act  
10 may not exceed the sum of the following:

11 (1) The total amount authorized to be appro-  
12 priated under paragraphs (1), (2), and (3) of sub-  
13 section (a).

14 (2) \$39,874,000 (the balance of the amount au-  
15 thorized under section 2201(a) of the Military Con-  
16 struction Authorization Act for Fiscal Year 2004  
17 (division B of Public Law 108–136; 117 Stat. 1704)  
18 for various locations, continental United States).

19 (3) \$33,951,000 (the balance of the amount au-  
20 thorized under section 2201(a) of the Military Con-  
21 struction Authorization Act for Fiscal Year 2005  
22 (division B of Public Law 108–375; 118 Stat. 2106)  
23 for construction of a limited area production and  
24 storage complex at Strategic Weapons Facility Pa-  
25 cific, Bangor, Washington).

1           (4) \$22,661,000 (the balance of the amount au-  
 2           thorized under section 2201(a) of the Military Con-  
 3           struction Authorization Act for Fiscal Year 2006  
 4           (division B of Public Law 109–163; 119 Stat. 3490)  
 5           for infrastructure upgrades at Recruit Training  
 6           Command, Great Lakes, Illinois).

7           (5) \$24,740,000 (the balance of the amount au-  
 8           thorized under section 2201(b) of the Military Con-  
 9           struction Authorization Act for Fiscal Year 2006  
 10          (division B of Public Law 109–163; 119 Stat. 3490)  
 11          for wharf upgrades at Naval Station, Yokosuka,  
 12          Japan.

13          (6) \$56,159,000 (the balance of the amount au-  
 14          thorized under section 2201(a) for construction of a  
 15          National Maritime Intelligence Center addition at  
 16          Suitland, Maryland).

17 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 18 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

19          (a) MODIFICATION OF INSIDE THE UNITED STATES  
 20 PROJECTS.—The table in section 2201(a) of the Military  
 21 Construction Authorization Act for Fiscal Year 2006 (di-  
 22 vision B of Public Law 109–163; 119 Stat. 3489) is  
 23 amended—

24           (1) in the item related to Marine Corps Base,  
 25          Camp Pendleton, California, by striking

1 “\$90,437,000” in the amount column and inserting  
 2 “\$86,006,000”; and

3 (2) in the item relating to Marine Corps Base,  
 4 Quantico, Virginia, by striking “\$18,429,000” in the  
 5 amount column and inserting “\$19,829,000”.

6 (b) CONFORMING AMENDMENTS.—Section 2204(b)  
 7 of that Act (119 Stat. 3492) is amended—

8 (1) in paragraph (2), by striking  
 9 “\$37,721,000” and inserting “\$33,290,000”; and

10 (2) in paragraph (7), by striking  
 11 “\$10,159,000” and inserting “\$11,559,000”.

## 12 **TITLE XXIII—AIR FORCE**

### 13 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 14 **LAND ACQUISITION PROJECTS.**

15 (a) INSIDE THE UNITED STATES.—Using amounts  
 16 appropriated pursuant to the authorization of appropria-  
 17 tions in section 2304(a)(1), the Secretary of the Air Force  
 18 may acquire real property and carry out military construc-  
 19 tion projects for the installations or locations inside the  
 20 United States, and in the amounts, set forth in the fol-  
 21 lowing table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Eielson Air Force Base .....	\$38,300,000
	Elmendorf Air Force Base .....	\$68,100,000
Arizona .....	Davis-Monthan Air Force Base .....	\$4,600,000
California .....	Beale Air Force Base .....	\$28,000,000
	Travis Air Force Base .....	\$85,800,000
Colorado .....	Buckley Air Force Base .....	\$10,700,000
	Schriever Air Force Base .....	\$21,000,000
Delaware .....	Dover Air Force Base .....	\$30,400,000

**Air Force: Inside the United States**—Continued

State	Installation or Location	Amount
Florida .....	Eglin Air Force Base .....	\$19,350,000
	Hurlburt Field .....	\$32,950,000
	MacDill Air Force Base .....	\$71,000,000
	Tyndall Air Force Base .....	\$1,800,000
Georgia .....	Robins Air Force Base .....	\$52,600,000
Hawaii .....	Hickam Air Force Base .....	\$28,538,000
Illinois .....	Scott Air Force Base .....	\$28,200,000
Kentucky .....	Fort Knox .....	\$3,500,000
Maryland .....	Andrews Air Force Base .....	\$29,000,000
Massachusetts .....	Hanscom Air Force Base .....	\$12,400,000
Nevada .....	Indian Springs Air Force Auxiliary Field.	\$49,923,000
	Nellis Air Force Base .....	\$4,800,000
New Jersey .....	McGuire Air Force Base .....	\$15,500,000
New Mexico .....	Kirtland Air Force Base .....	\$11,400,000
North Dakota .....	Minot Air Force Base .....	\$9,000,000
Oklahoma .....	Altus Air Force Base .....	\$9,500,000
	Tinker Air Force Base .....	\$8,100,000
South Carolina .....	Charleston Air Force Base .....	\$10,200,000
	Shaw Air Force Base .....	\$22,200,000
South Dakota .....	Ellsworth Air Force Base .....	\$3,000,000
Texas .....	Fort Bliss .....	\$8,500,000
	Lackland Air Force Base .....	\$13,200,000
Utah .....	Hill Air Force Base .....	\$63,400,000
Virginia .....	Langley Air Force Base .....	\$57,700,000
Wyoming .....	Francis E. Warren Air Force Base ..	\$11,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Ramstein Air Base .....	\$53,150,000
Guam .....	Andersen Air Force Base .....	\$52,800,000
Italy .....	Naval Air Station, Sigonella .....	\$26,000,000
Korea .....	Kunsan Air Base .....	\$46,700,000
	Osan Air Base .....	\$2,156,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-

tions in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Unspecified .....	Common Battlefield Airman Training Complex.	\$14,200,000
Worldwide Classified .....	Classified Project .....	\$3,377,000
	Classified—Special Evaluation Program.	\$4,600,000
	Classified .....	\$1,700,000

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts, set forth in the following table:

**Air Force: Family Housing**

State	Installation or Location	Purpose	Amount
Alaska .....	Eielson Air Force Base .....	129 Units ....	\$87,414,000
Idaho .....	Mountain Home Air Force Base .....	457 Units ....	\$107,800,000
Missouri .....	Whiteman Air Force Base .....	116 Units ....	\$39,270,000
Montana .....	Malmstrom Air Force Base .....	493 Units ....	\$140,252,000
North Carolina .....	Seymour Johnson Air Force Base .....	56 Units .....	\$22,956,000
North Dakota .....	Minot Air Force Base .....	575 Units ....	\$170,188,000
Texas .....	Dyess Air Force Base .....	199 Units ....	\$49,215,000
Germany .....	Ramstein Air Base .....	101 Units ....	\$73,488,000
	Spangdahlem Air Base .....	60 Units .....	\$39,294,000
United Kingdom .....	Royal Air Force Lakenheath.	74 Units .....	\$35,282,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(6)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$13,202,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2304(a)(6)(A),  
13 the Secretary of the Air Force may improve existing mili-  
14 tary family housing units in an amount not to exceed  
15 \$403,727,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
19 are hereby authorized to be appropriated for fiscal years  
20 beginning after September 30, 2006, for military con-  
21 struction, land acquisition, and military family housing  
22 functions of the Department of the Air Force in the total  
23 amount of \$3,195,485,000, as follows:



1           (1) For military construction projects inside the  
2       United States authorized by section 2301(a),  
3       \$863,661,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2301(b),  
6       \$180,806,000.

7           (3) For military construction projects at un-  
8       specified worldwide locations authorized by section  
9       2301(c), \$23,877,000.

10          (4) For unspecified minor military construction  
11       projects authorized by section 2805 of title 10,  
12       United States Code, \$15,000,000.

13          (5) For architectural and engineering services  
14       and construction design under section 2807 of title  
15       10, United States Code, \$90,632,000.

16          (6) For military family housing functions:

17                (A) For construction and acquisition, plan-  
18                ning and design, and improvement of military  
19                family housing and facilities, \$1,182,138,000.

20                (B) For support of military family housing  
21                (including the functions described in section  
22                2833 of title 10, United States Code),  
23                \$755,071,000.

24          (7) For the construction of increment 2 of the  
25       C-17 maintenance complex at Elmendorf Air Force

1 Base, Alaska, authorized by section 2301(a) of the  
2 Military Construction Authorization Act for Fiscal  
3 Year 2006 (division B of Public Law 109–163; 119  
4 Stat. 3494), \$30,000,000.

5 (8) For the construction of increment 2 of the  
6 main base runway at Edwards Air Force Base, Cali-  
7 fornia, authorized by section 2301(a) of the Military  
8 Construction Authorization Act for Fiscal Year 2006  
9 (division B of Public Law 109–163; 119 Stat.  
10 3494), \$31,000,000.

11 (9) For the construction of increment 2 of the  
12 CENTCOM Joint Intelligence Center at MacDill Air  
13 Force Base, Florida, authorized by section 2301(a)  
14 of the Military Construction Authorization Act for  
15 Fiscal Year 2006 (division B of Public Law 109–  
16 163; 119 Stat. 3494), \$23,300,000.

17 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
18 PROJECTS.—Notwithstanding the cost variations author-  
19 ized by section 2853 of title 10, United States Code, and  
20 any other cost variation authorized by law, the total cost  
21 of all projects carried out under section 2301 of this Act  
22 may not exceed the sum of the following:

23 (1) The total amount authorized to be appro-  
24 priated under paragraphs (1) (2) and (3) of sub-  
25 section (a).

1           (2) \$35,000,000 (the balance of the amount au-  
 2           thorized under section 2301(a) of the Military Con-  
 3           struction Authorization Act for Fiscal Year 2006  
 4           (division B of Public Law 109–163; 119 Stat. 3494)  
 5           for construction of a main base runway at Edwards  
 6           Air Force Base, California).

7   **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 8           **CERTAIN FISCAL YEAR 2006 PROJECT.**

9           (a) MODIFICATION OF INSIDE THE UNITED STATES  
 10          PROJECT.—The table in section 2301(a) of the Military  
 11          Construction Authorization Act for Fiscal Year 2006 (di-  
 12          vision B of Public Law 109–163; Stat. 119 Stat. 3494)  
 13          is amended in the item relating to MacDill Air Force  
 14          Base, Florida, by striking “\$107,200,000” in the amount  
 15          column and inserting “\$101,500,000”.

16          (b) CONFORMING AMENDMENT.—Section 2304(b)(4)  
 17          of that Act (119 Stat. 3496) is amended by striking  
 18          “\$29,000,000” and inserting “\$23,300,000”.

19                   **TITLE XXIV—DEFENSE**  
 20                   **AGENCIES**

21   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 22           **TION AND LAND ACQUISITION PROJECTS.**

23          (a) INSIDE THE UNITED STATES.—Using amounts  
 24          appropriated pursuant to the authorization of appropria-  
 25          tions in section 2404(a)(1), the Secretary of Defense may

- 1 acquire real property and carry out military construction  
 2 projects for the installations or locations inside the United  
 3 States, and in the amounts, set forth in the following ta-  
 4 bles:

**Defense Education Activity**

State	Installation or Location	Amount
Kentucky .....	Fort Knox .....	\$18,108,000

**Defense Logistics Agency**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$8,715,000
California .....	Beale Air Force Base .....	\$9,000,000
Pennsylvania .....	Defense Distribution Depot, New Cumberland .....	\$8,900,000
Virginia .....	Fort Belvoir .....	\$5,500,000
Washington .....	Naval Air Station, Whidbey Island .....	\$26,000,000

**Special Operations Command**

State	Installation or Location	Amount
California .....	Marine Corps Base, Camp Pendleton .....	\$24,400,000
Colorado .....	Fort Carson .....	\$26,100,000
Florida .....	Hurlburt Field .....	\$14,482,000
	MacDill Air Force Base .....	\$27,300,000
Kentucky .....	Fort Campbell .....	\$24,500,000
North Carolina .....	Fort Bragg .....	\$44,868,000
	Marine Corps Base, Camp Lejeune .....	\$51,600,000
	Pope Air Force Base .....	\$15,276,000
Virginia .....	Naval Air Base, Little Creek .....	\$22,000,000

**TRICARE Management Activity**

State	Installation or Location	Amount
Alaska .....	Fort Richardson .....	\$37,200,000
California .....	Fort Irwin .....	\$6,050,000
Florida .....	Naval Hospital, Jacksonville .....	\$16,000,000
	MacDill Air Force Base .....	\$87,000,000
Hawaii .....	Naval Base, Pearl Harbor .....	\$7,700,000
Illinois .....	Naval Hospital, Great Lakes .....	\$20,000,000
Maryland .....	Fort Detrick .....	\$550,000,000
New York .....	Fort Drum .....	\$9,700,000
Texas .....	Fort Hood .....	\$18,000,000

- 5 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2404(a)(2), the Secretary of Defense may  
 8 acquire real property and carry out military construction

1 projects for the installations or locations outside the  
 2 United States, and in the amounts, set forth in the fol-  
 3 lowing tables:

**Defense Education Activity**

Country	Installation or Location	Amount
Italy .....	Camp Ederle .....	\$31,460,000
	Vicenza .....	\$15,750,000
Korea .....	Osan Air Base .....	\$4,589,000
Spain .....	Naval Station, Rota .....	\$23,048,000

**Defense Logistics Agency**

Country	Installation or Location	Amount
Japan .....	Okinawa .....	\$5,000,000
Wake Island .....	Wake Island .....	\$2,600,000

**Missile Defense Agency**

Country	Installation or Location	Amount
Kwajalein .....	Kwajalein Atoll .....	\$7,592,000

**Special Operations Command**

Country	Installation or Location	Amount
Qatar .....	Al Udeid Air Base .....	\$44,500,000

**TRICARE Management Activity**

Country	Installation or Location	Amount
Italy .....	Vicenza .....	\$52,000,000

4 **SEC. 2402. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using  
 6 amounts appropriated pursuant to the authorization of ap-  
 7 propriations in section 2404(a)(9)(A), the Secretary of the  
 8 Defense may construct or acquire family housing units  
 9 (including land acquisition and supporting facilities) at the  
 10 installations or locations, for the purposes, and in the  
 11 amounts set forth in the following table:

**Defense Logistics Agency: Family Housing**

State	Installation or Location	Purpose	Amount
Virginia .....	Defense Supply Center, Richmond .....	25 Units .....	\$7,840,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2404(a)(9)(A), the Secretary of the Defense may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$484,000.

8 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-  
10 ization of appropriations in section 2404(a)(6), the Sec-  
11 retary of Defense may carry out energy conservation  
12 projects under section 2865 of title 10, United States  
13 Code, in the amount of \$60,000,000.

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
15 **FENSE AGENCIES.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
17 are hereby authorized to be appropriated for fiscal years  
18 beginning after September 30, 2006, for military con-  
19 struction, land acquisition, and military family housing  
20 functions of the Department of Defense (other than the  
21 military departments) in the total amount of  
22 \$7,122,602,000, as follows:

1           (1) For military construction projects inside the  
2       United States authorized by section 2401(a),  
3       \$557,399,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2401(b),  
6       \$170,789,000.

7           (3) For unspecified minor military construction  
8       projects under section 2805 of title 10, United  
9       States Code, \$21,672,000.

10          (4) For contingency construction projects of the  
11       Secretary of Defense under section 2804 of title 10,  
12       United States Code, \$10,000,000.

13          (5) For architectural and engineering services  
14       and construction design under section 2807 of title  
15       10, United States Code, \$172,150,000.

16          (6) For energy conservation projects authorized  
17       by section 2403, \$60,000,000.

18          (7) For base closure and realignment activities  
19       as authorized by the Defense Base Closure and Re-  
20       alignment Act of 1990 (part A of title XXIX of  
21       Public Law 101–510; 10 U.S.C. 2687 note) and  
22       funded through the Department of Defense Base  
23       Closure Account 1990 established by section 2906 of  
24       such Act, \$191,220,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, \$5,526,894,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,500,000.

(10) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act



1 for Fiscal Year 2000 (division B of Public Law 106–  
2 65; 113 Stat. 839), and section 2407 of the Military  
3 Construction Authorization Act for Fiscal Year 2003  
4 (division B of Public Law 107–314; 116 Stat.  
5 2698), \$41,836,000.

6 (11) For the construction of increment 7 of a  
7 munitions demilitarization facility at Blue Grass  
8 Army Depot, Kentucky, authorized by section  
9 2401(a) of the Military Construction Authorization  
10 Act for Fiscal Year 2000 (division B of Public Law  
11 106–65; 113 Stat. 835), as amended by section  
12 2405 of the Military Construction Authorization Act  
13 of 2002 (division B of Public Law 107–107; 115  
14 Stat. 1298), and section 2405 of the Military Con-  
15 struction Authorization Act for Fiscal Year 2003  
16 (division B of Public Law 107–314; 116 Stat.  
17 2698), \$99,157,000.

18 (12) For the construction of increment 2 of a  
19 replacement of a regional security operations center,  
20 Kunia, Hawaii, authorized by section 2401(a) of the  
21 Military Construction Authorization Act for Fiscal  
22 Year 2006 (division B of Public Law 109–163; 119  
23 Stat. 3497), as amended by section 2405(a)(2) of  
24 this Act, \$47,016,000.

1           (13) For the construction of increment 2 of the  
2       classified material conversion facility at Fort Meade,  
3       Maryland, authorized by section 2401(a) of the Mili-  
4       tary Construction Authorization Act for Fiscal Year  
5       2006 (division B of Public Law 109–163; 119 Stat.  
6       3497), \$11,151,000.

7           (14) For the construction of increment 2 of a  
8       replacement of a regional security operations center,  
9       Augusta, Georgia, authorized by section 2401(a) of  
10      the Military Construction Act for Fiscal Year 2006  
11      (division B of Public Law 109–163; 119 Stat.  
12      3497), as amended by section 2405(a)(1) of this  
13      Act, \$107,118,000.

14          (15) For the construction of increment 2 of  
15      construction of an operations building, Menwith Hall  
16      Station, United Kingdom, authorized by section  
17      2401(b) of the Military Construction Act for Fiscal  
18      Year 2006 (division B of Public Law 109–163; 119  
19      Stat. 3498), as amended by section 2405(b)(1) of  
20      this Act, \$46,386,000.

21      (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
22      PROJECTS.—Notwithstanding the cost variations author-  
23      ized by section 2853 of title 10, United States Code, and  
24      any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act  
2 may not exceed the sum of the following:

3 (1) The total amount authorized to be appro-  
4 priated under paragraphs (1), (2), and (3) of sub-  
5 section (a).

6 (2) \$184,752,000 (the balance of the amount  
7 authorized under section 2401(a) of the Military  
8 Construction Authorization Act for Fiscal Year 2006  
9 (division B of Public Law 109–163; 119 Stat. 3497)  
10 for construction of a regional security operations  
11 center, Augusta, Georgia).

12 (3) \$254,508,000 (the balance of the amount  
13 authorized under section 2401(a) of the Military  
14 Construction Authorization Act for Fiscal Year 2006  
15 (division B of Public Law 109–163; 119 Stat. 3497)  
16 for construction of a regional security operations  
17 center, Kunia, Hawaii).

18 (4) \$521,000,000 (the balance of the amount  
19 authorized under section 2401(a) for construction of  
20 a replacement facility, Fort Detrick, Maryland).

21 (5) \$187,120,000 (the balance of the amount  
22 authorized under section 2401(a) of the Military  
23 Construction Authorization Act for Fiscal Year 1997  
24 (division B of Public Law 104–201; 110 Stat.  
25 2775), as amended by section 2406 of the Military

1 Construction Authorization Act for Fiscal Year 2000  
 2 (division B of Public Law 106–65; 113 Stat. 839)  
 3 and section 2407 of the Military Construction Au-  
 4 thorization Act for Fiscal Year 2003 (division B of  
 5 Public Law 107–314; 116 Stat. 2698), for construc-  
 6 tion of a munitions demilitarization facility at Pueb-  
 7 lo Chemical Activity, Colorado).

8 (6) \$134,554,000 (the balance of the amount  
 9 authorized under section 2401(a) of the Military  
 10 Construction Authorization Act for Fiscal Year 2000  
 11 (division B of Public Law 106–65; 113 Stat. 835),  
 12 as amended by section 2405 of the Military Con-  
 13 struction Authorization Act for Fiscal Year 2002  
 14 (division B of Public Law 107–107; 115 Stat. 1298)  
 15 and section 2405 of the Military Construction Au-  
 16 thorization Act for Fiscal Year 2003 (division B of  
 17 Public Law 107–314; 116 Stat. 2698), for construc-  
 18 tion of a munitions demilitarization facility at Blue  
 19 Grass Army Depot, Kentucky).

20 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 21 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

22 (a) MODIFICATION OF INSIDE THE UNITED STATES  
 23 PROJECT.—The table relating to the National Security  
 24 Agency in section 2401(a) of the Military Construction

1 Authorization Act for Fiscal Year 2006 (division B of  
2 Public Law 109–163; 119 Stat. 3497) is amended—

3 (1) in the item relating to Augusta, Georgia, by  
4 striking “\$61,466,000” in the amount column and  
5 inserting “\$340,836,000”; and

6 (2) in the item relating to Kunia, Hawaii, by  
7 striking “\$305,000,000” in the amount column and  
8 inserting “\$350,490,000”.

9 (b) MODIFICATION OF OUTSIDE THE UNITED  
10 STATES PROJECT.—The table relating to the National Se-  
11 curity Agency in section 2401(b) of the Military Construc-  
12 tion Authorization Act for Fiscal Year 2006 (division B  
13 of Public Law 109–163; 119 Stat. 3498) is amended in  
14 the item relating to Menwith Hill, United Kingdom, by  
15 striking “\$86,354,000” in the amount column and insert-  
16 ing “\$88,083,000”.

17 (c) CONFORMING AMENDMENT.—Section 2403(b) of  
18 that Act (119 Stat. 3500) is amended—

19 (1) in paragraph (2), by striking  
20 “\$12,500,000” and inserting “\$291,870,000”;

21 (2) in paragraph (3), by striking  
22 “\$256,034,000” and inserting “\$301,524,000”; and

23 (3) in paragraph (5), by striking  
24 “\$44,657,000” and inserting “\$46,386,000”.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7       The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16       Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2006, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment Program authorized by  
22 section 2501, in the amount of \$205,985,000.

**TITLE XXVI—GUARD AND  
RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$524,031,000; and

(B) for the Army Reserve, \$189,817,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$48,408,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$245,743,000; and

(B) for the Air Force Reserve, \$44,936,000.

1 **TITLE XXVII—EXPIRATION AND**  
 2 **EXTENSION OF AUTHORIZA-**  
 3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
 5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
 6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 8 YEARS.—Except as provided in subsection (b), all author-  
 9 izations contained in titles XXI through XXVI for military  
 10 construction projects, land acquisition, family housing  
 11 projects and facilities, and contributions to the North At-  
 12 lantic Treaty Organization Security Investment Program  
 13 (and authorizations of appropriations therefor) shall ex-  
 14 pire on the later of—

15 (1) October 1, 2009; or

16 (2) the date of the enactment of an Act author-  
 17 izing funds for military construction for fiscal year  
 18 2010.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
 20 authorizations for military construction projects, land ac-  
 21 quisition, family housing projects and facilities, and con-  
 22 tributions to the North Atlantic Treaty Organization Se-  
 23 curity Investment Program (and authorizations of appro-  
 24 priations therefor), for which appropriated funds have  
 25 been obligated before the later of—



1 (1) October 1, 2009; or

2 (2) the date of the enactment of an Act author-  
 3 izing funds for fiscal year 2010 for military con-  
 4 struction projects, land acquisition, family housing  
 5 projects and facilities, or contributions to the North  
 6 Atlantic Treaty Organization Security Investment  
 7 Program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2004 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2701 of  
 11 the Military Construction Authorization Act for Fiscal  
 12 Year 2004 (division B of Public Law 108–136; 117 Stat.  
 13 1716), authorizations set forth in the tables in subsection  
 14 (b), as provided in sections 2101, 2301, 2302, 2401, and  
 15 2601 of that Act, shall remain in effect until October 1,  
 16 2007, or the date of the enactment of an Act authorizing  
 17 funds for military construction for fiscal year 2008, which-  
 18 ever is later.

19 (b) TABLES.—The tables referred to in subsection (a)  
 20 are as follows:

**Army: Extension of 2004 Project Authorizations**

State	Installation or Location	Project	Amount
Alaska .....	Fort Wainwright .....	Multi-Purpose Training Range Complex .....	\$47,000,000
Hawaii .....	Helemano Military Reservation .....	Land Easement	\$1,400,000
Virginia .....	Fort Belvoir .....	NGIC Land Acquisition .....	\$7,000,000

**Army: Extension of 2004 Project Authorizations—Continued**

State	Installation or Location	Project	Amount
Italy .....	Fort Lee .....	Fire & Emergency Services Center (Ph 2) .....	\$3,850,000
	Aviano Air Base .....	Joint Deployment Facility (Ph 1) .....	\$15,500,000

**Air Force: Extension of 2004 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Travis Air Force Base	Replace Family Housing (56 Units) .....	\$12,723,000
Florida .....	Eglin Air Force Base ..	Replace Family Housing (279 Units) .....	\$32,166,000
Hawaii .....	Hickam Air Force Base .....	Expand Strategic Airlift Parking Ramp .....	\$10,102,000
Texas .....	Dyess Air Force Base	Replace Family Housing (116 Units) .....	\$19,973,000

**Defense Wide: Extension of 2004 Project Authorizations**

Agency	Installation or Location	Project	Amount
Defense Logistics Agency.	Hickam Air Force Base, Hawaii .....	Replace Hydrant Fuel System .....	\$14,100,000

**Army National Guard: Extension of 2004 Authorization of Appropriations**

State	Installation or Location	Project	Amount
Indiana .....	Gary .....	Army Aviation Support Facility .....	\$15,581,000
New Mexico .....	Albuquerque .....	Readiness Center, Add/Alt (ADRS) .....	\$2,533,000
Pennsylvania .....	Fort Indiantown Gap ..	Multi-Purpose Training Range .....	\$15,338,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2003 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2003 (division B of Public Law 107–314; 116 Stat.  
 6 2700), authorizations set forth in the tables in subsection  
 7 (b), as provided in section 2302 of that Act, shall remain  
 8 in effect until October 1, 2007, or the date of the enact-  
 9 ment of an Act authorizing funds for military construction  
 10 for fiscal year 2008, whichever is later.

11 (b) TABLES.—The tables referred to in subsection (a)  
 12 are as follows:

**Air Force: Extension of 2003 Project Authorizations**

State	Installation or Loca- tion	Project	Amount
Florida .....	Eglin Air Force Base ..	Replace Family Housing (134 Units) .....	\$15,906,000
	Eglin Air Force Base ..	Replace Hous- ing Office .....	\$597,000
Texas .....	Randolph Air Force Base .....	Replace Family Housing Maintenance Facility .....	\$447,000

13 **SEC. 2704. EFFECTIVE DATE.**

14 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
 15 shall take effect on the later of—

16 (1) October 1, 2006; or

17 (2) the date of the enactment of this Act.

1           **TITLE XXVIII—GENERAL**  
 2                   **PROVISIONS**  
 3   **Subtitle A—Military Construction**  
 4       **Program and Military Family**  
 5       **Housing Changes**

6   **SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIM-**  
 7                   **ITED AUTHORITY TO USE OPERATION AND**  
 8                   **MAINTENANCE FUNDS FOR CONSTRUCTION**  
 9                   **PROJECTS OUTSIDE THE UNITED STATES.**

10       Section 2808 of the Military Construction Authoriza-  
 11   tion Act for Fiscal Year 2004 (division B of Public Law  
 12   108–136; 117 Stat. 1723), as amended by section 2810  
 13   of the Military Construction Authorization Act for Fiscal  
 14   Year 2005 (division B of Public Law 108–375; 118 Stat.  
 15   2128) and section 2809 of the Military Construction Au-  
 16   thorization Act for Fiscal Year 2006 (division B of Public  
 17   Law 109–163; 119 Stat. 3508), is further amended—

18           (1) in subsection (a), by striking “fiscal years  
 19       2005 and 2006” and inserting “fiscal years 2005,  
 20       2006, 2007, 2008, and 2009”; and

21           (2) in subsection (f)—

22                   (A) in paragraph (1), by striking “the  
 23       Subcommittees on Defense and Military Con-  
 24       struction of” and inserting “the Subcommittees

1 on Defense and on Military Construction and  
 2 Veterans Affairs, and Related Agencies of”; and

3 (B) in paragraph (2), by striking “the  
 4 Subcommittees on Defense and Military Con-  
 5 struction of” and inserting “the Subcommittees  
 6 on Defense and on Military Quality of Life and  
 7 Veterans Affairs, and Related Agencies of”.

8 **SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CON-**  
 9 **STRUCTION PROJECTS IN CONNECTION WITH**  
 10 **INDUSTRIAL FACILITY INVESTMENT PRO-**  
 11 **GRAM.**

12 (a) **AUTHORITY.**—Subchapter III of chapter 169 of  
 13 title 10, United States Code, is amended by adding at the  
 14 end the following new section:

15 **“§ 2870. Authority to carry out military construction**  
 16 **projects in connection with industrial fa-**  
 17 **cility investment program**

18 “(a) **AUTHORITY.**—The Secretary of Defense may  
 19 carry out a military construction project, not previously  
 20 authorized, for the purpose of carrying out activities under  
 21 section 2474(a)(2) of this title, using funds appropriated  
 22 or otherwise made available for that purpose.

23 “(b) **CREDITING OF FUNDS.**—Funds appropriated or  
 24 otherwise made available in a fiscal year for the purpose  
 25 of carrying out a military construction project with respect

1 to a public depot under subsection (a) may be credited  
 2 to the amount required under section 2208(s) of this title  
 3 to be invested in such fiscal year in the capital budget  
 4 for such public depot.

5 “(c) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 6 retary may not carry out a project under subsection (a)  
 7 until 21 days after the date on which the Secretary noti-  
 8 fies the congressional defense committees of the intent to  
 9 carry out such project and the savings estimated to be  
 10 realized from such project or, if earlier, 14 days after the  
 11 date on which a copy of the notification is provided in an  
 12 electronic medium pursuant to section 480 of this title.

13 “(d) ANNUAL REPORT.—Not later than December 31  
 14 of each year, the Secretary shall submit to Congress a re-  
 15 port describing actions taken under this section and the  
 16 savings realized from such actions during the fiscal year  
 17 ending in the year in which the report is submitted.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of such subchapter is amended by adding  
 20 at the end the following new item:

“2870. Authority to carry out military construction projects in connection with  
 industrial facility investment program.”.

1 **SEC. 2803. MODIFICATION OF NOTIFICATION REQUIRE-**  
2 **MENTS RELATED TO COST VARIATION AU-**  
3 **THORITY.**

4 Section 2853(c) of title 10, United States Code, is  
5 amended—

6 (1) in paragraph (1), by striking the semicolon  
7 at the end and inserting “; and”;

8 (2) by amending paragraph (2) to read as fol-  
9 lows:

10 “(2)(A) in the case of a cost increase or a re-  
11 duction in the scope of work—

12 “(i) the Secretary concerned notifies the  
13 appropriate committees of Congress in writing  
14 of the cost increase or reduction in scope and  
15 the reasons therefor, including a description of  
16 the funds proposed to be used to finance any  
17 increased costs; and

18 “(ii) a period of 21 days has elapsed after  
19 the date on which the notification is received by  
20 the committees or, if over sooner, a period of 14  
21 days has elapsed after the date on which a copy  
22 of the notification is provided in an electronic  
23 medium pursuant to section 480 of this title; or

24 “(B) in the case of a cost decrease, the Sec-  
25 retary concerned notifies the appropriate committees  
26 of Congress in writing not later than 14 days after

1 the date funds are obligated in connection with the  
 2 military construction project or military family hous-  
 3 ing project.”; and

4 (3) by striking paragraph (3).

5 **SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF**  
 6 **FLOOR AREAS IN CONSTRUCTION, ACQUISITION, AND IMPROVEMENT OF MILITARY UN-**  
 7 **ACCOMPANIED HOUSING.**

9 (a) IN GENERAL.—Section 2856 of title 10, United  
 10 States Code, is amended to read as follows:

11 **“§ 2856. Military unaccompanied housing: local com-**  
 12 **parability of floor areas**

13 “In the construction, acquisition, and improvement of  
 14 military unaccompanied housing, the Secretary concerned  
 15 shall ensure that the floor areas of such housing in a par-  
 16 ticular locality (as designated by the Secretary concerned  
 17 for purposes of this section) do not exceed the floor areas  
 18 of similar housing in the private sector in that locality.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
 20 at the beginning of chapter 169 of such title is amended  
 21 by striking the item relating to section 2856 and inserting  
 22 the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.



1 **SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED**  
 2 **MINOR MILITARY CONSTRUCTION PROJECTS.**

3 (a) INCREASE.—Section 2805(a)(1) of title 10,  
 4 United States Code, is amended—

5 (1) by striking “\$1,500,000” and inserting  
 6 “\$2,500,000”; and

7 (2) by striking “\$3,000,000” and inserting  
 8 “\$4,000,000”.

9 (b) EFFECTIVE DATE.—The amendments made by  
 10 subsection (a) shall take effect on October 1, 2006.

11 **SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND**  
 12 **SUPPORT SYSTEMS IN ENERGY SAVINGS PRO-**  
 13 **GRAM.**

14 (a) IN GENERAL.—Section 2865 of title 10, United  
 15 States Code, is amended—

16 (1) in the section heading, by inserting “**for**  
 17 **military operations and**” after “**Energy**  
 18 **savings**”;

19 (2) in subsection (a)—

20 (A) by amending paragraph (1) to read as  
 21 follows:

22 “(1) The Secretary of Defense shall designate energy  
 23 performance goals for the Department of Defense for mili-  
 24 tary transportation and support systems and installations.  
 25 The goals shall be consistent, where appropriate, with the  
 26 Energy Policy Act of 2005 (Public Law 109–58).”;

(B) in paragraph (2), by striking “energy conservation measures” and all that follows through “energy savings” and inserting “energy conservation measures and alternative energy initiatives to achieve maximum total life-cycle energy savings”;

(C) in paragraph (3)—

(i) by striking “energy efficient maintenance” and inserting “energy efficient operations and maintenance”; and

(ii) by inserting after “10 years or less” the following: “, except that the Secretary may provide that energy conservation measures related to equipment and systems supporting industrial processes may have a positive net present value over a period of 20 years or less”; and

(D) in paragraph (4)—

(i) by striking “energy efficient maintenance” and inserting “energy efficient operations and maintenance”;

(ii) in subparagraph (A), by inserting “vehicles, military support equipment,” after “such as”; and

1 (iii) in subparagraph (B), by striking  
 2 “an operation or maintenance process,  
 3 such as improved training” and inserting  
 4 “a military operation or maintenance proc-  
 5 ess, such as the use of alternative fuels  
 6 and energy sources, improved training,”;

7 (3) in subsection (b)(2)(A), by striking “instal-  
 8 lations of the Department of Defense as may be des-  
 9 ignated” and inserting “installations of the Depart-  
 10 ment of Defense and related to such vehicles and  
 11 military support equipment of the Department of  
 12 Defense as may be designated”;

13 (4) by redesignating subsections (e) and (f) as  
 14 subsections (f) and (g), respectively; and

15 (5) by inserting after subsection (d) the fol-  
 16 lowing new subsection:

17 “(e) ENERGY EFFICIENCY IN NEW CONSTRUC-  
 18 TION.—

19 “(1) The Secretary of Defense shall ensure, to  
 20 the maximum extent practicable, that energy effi-  
 21 cient products meeting the Department’s require-  
 22 ments, if cost effective over the life cycle of the prod-  
 23 uct and readily available, be used in new facility con-  
 24 struction by or for the Department carried out  
 25 under this chapter.

1           “(2) In determining the energy efficiency of  
2       products, the Secretary shall consider products  
3       that—

4                   “(A) meet or exceed Energy Star specifica-  
5       tions; or

6                   “(B) are listed on the Department of En-  
7       ergy’s Federal Energy Management Program  
8       Product Energy Efficiency Recommendations  
9       product list.”.

10 **SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY**  
11                   **AT CLOSED OR REALIGNED MILITARY IN-**  
12                   **STALLATIONS TO SUPPORT MILITARY CON-**  
13                   **STRUCTION.**

14       (a) REPEAL.—Section 2869 of title 10, United States  
15       Code, is repealed.

16       (b) CONFORMING AND CLERICAL AMENDMENTS.—

17           (1) CONFORMING AMENDMENTS.—(A) Section  
18       2822(b) of such title is amended by striking para-  
19       graph (6).

20           (B) Section 2883(c) of such title is amended—

21                   (i) in paragraph (1), by striking subpara-  
22       graph (F); and

23                   (ii) in paragraph (2), by striking subpara-  
24       graph (F).

1           (2) CLERICAL AMENDMENT.—The table of sec-  
 2           tions at the beginning of subchapter III of chapter  
 3           169 of such title is amended by striking the item re-  
 4           lating to section 2869.

5 **SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE**  
 6                   **AVAILABILITY OF SUITABLE ALTERNATIVE**  
 7                   **HOUSING FOR ACQUISITION IN LIEU OF CON-**  
 8                   **STRUCTION OF NEW FAMILY HOUSING.**

9           (a) IN GENERAL.—Section 2823 of title 10, United  
 10          States Code, is repealed.

11          (b) CLERICAL AMENDMENT.—The table of sections  
 12          at the beginning of chapter 169 of such title is amended  
 13          by striking the item relating to section 2823.

14 **SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION**  
 15                   **ADJUSTMENT FOR CERTAIN MILITARY FAM-**  
 16                   **ILY HOUSING LEASES IN KOREA.**

17          Section 2828(e)(5)(A) of title 10, United States  
 18          Code, is amended to read as follows:

19               “(A) for—

20                   “(i) foreign currency fluctuations from Oc-  
 21                   tober 1, 1987, in the case of maximum lease  
 22                   amounts provided for under paragraphs (1),  
 23                   (2), and (3); or

24                   “(ii) foreign currency appreciation during  
 25                   the previous fiscal year, starting from the fiscal

1           year of enactment of the lease authority under  
2           paragraph (4), in the case of the maximum  
3           lease amount provided for under such para-  
4           graph; and”.

5   **SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CON-**  
6                   **STRUCTION OF MILITARY UNACCOMPANIED**  
7                   **HOUSING.**

8           (a) REDUCTION OF APPLICABLE NOTIFICATION PE-  
9   RIODS.—Section 2881a of title 10, United States Code,  
10   is amended by striking “90 days” both places it appears  
11   and inserting “30 days”.

12          (b) EXTENSION OF AUTHORITY.—Subsection (f) of  
13   such section is amended by striking “2007” and inserting  
14   “2009”.

15   **SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILI-**  
16                   **TARY CONSTRUCTION PROJECTS.**

17          The Department of Defense may not use amounts au-  
18   thorized to be appropriated for a fiscal year beginning  
19   after September 30, 2006, to carry out a military con-  
20   struction project to construct a facility designed to provide  
21   training in urban operations for personnel of the Depart-  
22   ment of Defense or other Federal agencies until the Under  
23   Secretary of Defense for Personnel and Readiness, in con-  
24   sultation with the Commander of the United States Joint

1 Forces Command, has certified to the congressional de-  
 2 fense committees that—

3           (1) the Secretary of Defense has approved a  
 4           strategy for training and facility construction for op-  
 5           erations in urban terrain; and

6           (2) the Under Secretary has evaluated the  
 7           project and determined that the project—

8                   (A) is consistent with such strategy; and

9                   (B) incorporates the appropriate capabili-  
 10           ties for joint and interagency use in accordance  
 11           with such strategy.

12 **SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHOR-**  
 13 **ITY, PERQUIMANS COUNTY, NORTH CARO-**  
 14 **LINA.**

15           Section 2846 of the Military Construction Authoriza-  
 16           tion Act for Fiscal Year 2002 (division B of Public Law  
 17           107–107; 115 Stat. 1320), as amended by section 2865  
 18           of the Military Construction Authorization Act for Fiscal  
 19           Year 2005 (division B of Public Law 108–375; 118 Stat.  
 20           2149), is further amended by striking “840 acres” and  
 21           inserting “1,550 acres”.

1 **SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR**  
2 **FORCE ROME RESEARCH SITE, ROME, NEW**  
3 **YORK, IN HONOR OF SHERWOOD L. BOEH-**  
4 **LERT, A MEMBER OF THE HOUSE OF REP-**  
5 **RESENTATIVES.**

6 The new laboratory facility at the Air Force Rome  
7 Research Site, Rome, New York, shall be known and des-  
8 ignated as the “Sherwood L. Boehlert Engineering Cen-  
9 ter”. Any reference in a law, map, regulation, document,  
10 paper, or other record of the United States to such labora-  
11 tory facility shall be deemed to be a reference to the Sher-  
12 wood L. Boehlert Engineering Center.

13 **SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT**  
14 **JOINT SYSTEMS MANUFACTURING CENTER**  
15 **IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A**  
16 **MEMBER OF THE HOUSE OF REPRESENTA-**  
17 **TIVES.**

18 The administration building under construction at  
19 the Joint Systems Manufacturing Center in Lima, Ohio,  
20 shall, upon completion, be known and designated as the  
21 “Michael G. Oxley Administration and Technology Cen-  
22 ter”. Any reference in a law, map, regulation, document,  
23 paper, or other record of the United States to such admin-  
24 istration building shall be deemed to be a reference to the  
25 Michael G. Oxley Administration and Technology Center.



1 **SEC. 2815. NAMING OF MILITARY FAMILY HOUSING FACIL-**  
2 **ITY AT FORT CARSON, COLORADO, IN HONOR**  
3 **OF JOEL HEFLEY, A MEMBER OF THE HOUSE**  
4 **OF REPRESENTATIVES.**

5 The Secretary of the Army shall designate one of the  
6 military family housing areas or facilities constructed for  
7 Fort Carson, Colorado, using the authority provided by  
8 subchapter IV of chapter 169 of title 10, United States  
9 Code, as the “Joel Hefley Village”. Any reference in any  
10 law, regulation, map, document, record, or other paper of  
11 the United States to the military housing area or facility  
12 designated under this section shall be considered to be a  
13 reference to Joel Hefley Village.

14 **SEC. 2816. AUTHORITY TO OCCUPY UNITED STATES SOUTH-**  
15 **ERN COMMAND FAMILY HOUSING.**

16 (a) The Secretary of the Army may authorize family  
17 members of a member of the armed forces on active duty  
18 who is occupying a housing unit leased under section  
19 2828(b)(4) of title 10, United States Code and who is as-  
20 signed to a family-member-restricted area to remain in the  
21 leased housing unit until the member completes the fam-  
22 ily-member-restricted tour. Costs incurred for such hous-  
23 ing during such tour shall be included in the costs subject  
24 to the limitation under subparagraph (B) of that para-  
25 graph.

1 (b) The authority granted by subsection (a) shall ex-  
 2 pire on September 30, 2008.

## 3 **Subtitle B—Real Property and** 4 **Facilities Administration**

### 5 **SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.**

6 (a) CONSOLIDATION OF EASEMENT PROVISIONS.—

7 (1) TRANSFER OF EASEMENTS SECTION.—Sec-  
 8 tion 2668 of title 10, United States Code, is—

9 (A) transferred to appear after section  
 10 2671 of such title; and

11 (B) redesignated as section 2672 of such  
 12 title.

13 (2) CONSOLIDATED AUTHORITY.—Section  
 14 2672, as redesignated by paragraph (1), is  
 15 amended—

16 (A) in subsection (a)—

17 (i) by inserting “TYPES OF EASE-  
 18 MENTS.—” after “(a)”;

19 (ii) in the matter preceding paragraph  
 20 (1), by striking “to a State, Territory,  
 21 Commonwealth, or possession, or political  
 22 subdivision thereof, or to a citizen, associa-  
 23 tion, partnership, or corporation of a  
 24 State, Territory, Commonwealth, or pos-  
 25 session,”;

1 (iii) in paragraph (2), by striking “oil  
2 pipe lines” and inserting “gas, water,  
3 sewer, and oil pipe lines”; and

4 (iv) in paragraph (13), by striking “,  
5 except a purpose covered by section 2669  
6 of this title”;

7 (B) in subsection (b), by inserting “LIMI-  
8 TATION ON SIZE.—” after “(b)”;

9 (C) in subsection (c), by inserting “TERMI-  
10 NATION.—” after “(c)”;

11 (D) in subsection (d), by inserting “NO-  
12 TICE TO DEPARTMENT OF THE INTERIOR.—”  
13 after “(d)”;

14 (E) in subsection (e), by inserting “DIS-  
15 POSITION OF CONSIDERATION.—” after “(e)”.

16 (b) REPEAL OF OBSOLETE AUTHORITY.—Section  
17 2669 of such title is repealed.

18 (c) CONFORMING AMENDMENTS.—The table of sec-  
19 tions at the beginning of chapter 159 of such title is  
20 amended—

21 (1) by striking the items relating to sections  
22 2668 and 2669; and

23 (2) by inserting after the item relating to sec-  
24 tion 2671 the following new item:

“2672. Easements for rights-of-way.”.

1 **SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASE-**  
 2 **MENTS FOR CONSERVATION AND ENVIRON-**  
 3 **MENTAL RESTORATION PURPOSES.**

4 (a) AUTHORITY TO GRANT RESTRICTIVE EASE-  
 5 MENTS.—Chapter 159 of title 10, United States Code, as  
 6 amended by section 2821 of this Act, is further amended  
 7 by inserting after section 2672 of such title the following  
 8 new section:

9 **“§ 2672a. Authority to grant restrictive easements**

10 “(a) CONSERVATION EASEMENTS.—(1)(A) If the  
 11 Secretary of a military department finds that it will be  
 12 in the public interest, the Secretary may, subject to para-  
 13 graph (2), grant, upon such terms as the Secretary con-  
 14 siders advisable and with the consent of an entity de-  
 15 scribed in subparagraph (B), a restrictive easement to  
 16 such entity over, in, and upon any real property that is  
 17 transferred by deed by that department restricting future  
 18 uses of the property for a conservation purpose consistent  
 19 with section 170(h)(4)(A)(iv) of the Internal Revenue  
 20 Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

21 “(B) An entity referred to in subparagraph (A) is—

22 “(i) a State or local government; or

23 “(ii) a qualified organization, as that term is  
 24 defined in section 170(h) of the Internal Revenue  
 25 Code of 1986 (26 U.S.C. 170(h)).

1       “(2) An easement under paragraph (1) shall not be  
 2 granted unless the Secretary of the military department  
 3 concerned determines that—

4           “(A) the conservation of the property can not  
 5 be effectively achieved through the application of  
 6 State law by units of State or local government  
 7 without granting such easement;

8           “(B) the jurisdiction that encompasses the  
 9 property authorizes such easement; and

10          “(C) the Secretary can give or assign to a third  
 11 party the responsibility for monitoring and enforcing  
 12 such easement.

13       “(b) ENVIRONMENTAL EASEMENTS.—If the Sec-  
 14 retary of a military department finds that it will be in  
 15 the public interest, the Secretary may grant, upon such  
 16 terms as the Secretary considers advisable and with the  
 17 consent of a State or local government, a restrictive ease-  
 18 ment to such government over, in, and upon any real prop-  
 19 erty that is transferred by deed by that department re-  
 20 stricting future uses of the property to ensure the contin-  
 21 ued effectiveness of any environmental restoration func-  
 22 tion on the property conducted pursuant to chapter 160  
 23 of this title.

1       “(c) LIMITATIONS.—(1) No easement granted under  
2 this section may include more land than is necessary for  
3 the easement.

4       “(2) Easements granted under this section shall be  
5 without consideration from the recipient.

6       “(3) Nothing in this section shall alter the respon-  
7 sibilities of any party under Federal or State environ-  
8 mental laws.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of such chapter, as amended by section  
11 2821 of this Act, is further amended by inserting after  
12 the item relating to section 2672 the following new item:

“2672a. Authority to grant restrictive easements for conservation and environ-  
mental restoration purposes.”.

13 **SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO**  
14 **TRANSFERS OF REAL PROPERTY WITHIN THE**  
15 **DEPARTMENT OF DEFENSE AND TO OTHER**  
16 **FEDERAL AGENCIES.**

17       (a) CONSOLIDATION AND RESTATEMENT OF AU-  
18 THORITY ON INTERCHANGE, TRANSFER, AND SCREENING  
19 OF DEPARTMENT OF DEFENSE REAL PROPERTY.—Sec-  
20 tion 2696 of title 10, United States Code, is amended to  
21 read as follows:

1 **“§ 2696. Real property: transfer between armed**  
 2 **forces; screening for transfer or convey-**  
 3 **ance**

4 “(a) TRANSFER BETWEEN ARMED FORCES.—If ei-  
 5 ther of the Secretaries concerned requests it and the other  
 6 approves, real property may be transferred, without com-  
 7 pensation, from one armed force to another.

8 “(b) SCREENING AND CONVEYANCE OF PROPERTY  
 9 FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except  
 10 as provided in paragraph (2), before any real property or  
 11 facility of the United States that is under the jurisdiction  
 12 of any department, agency, or instrumentality of the De-  
 13 partment of Defense is determined to be excess to the  
 14 needs of such department, agency, or instrumentality, the  
 15 Secretary of Defense shall—

16 “(A) provide adequate notification of the avail-  
 17 ability of such real property or facility within the  
 18 Department of Defense;

19 “(B) if such real property or facility remains  
 20 available after such notification, notify the Attorney  
 21 General of its availability; and

22 “(C) if the Attorney General certifies to the  
 23 Secretary that a determination has been made by  
 24 the Director of the Bureau of Justice Assistance  
 25 within the Department of Justice to utilize such real  
 26 property or facility under the correctional options

1       program carried out under section 515 of title I of  
2       the Omnibus Crime Control and Safe Streets Act of  
3       1968 (42 U.S.C. 3762a), convey such real property  
4       or facility, without reimbursement, to a public agen-  
5       cy referred to in paragraph (1) or (3) of subsection  
6       (a) of such section for such utilization.

7       “(2) The provisions of this subsection shall not apply  
8       during any portion of a fiscal year after four conveyances  
9       have been made under this subsection in such fiscal year.

10       “(c) SCREENING FOR FURTHER FEDERAL USE BE-  
11       FORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1)  
12       The Secretary concerned may not convey real property  
13       that is authorized or required to be conveyed, whether for  
14       or without consideration, by any provision of law unless  
15       the Administrator has screened the property for further  
16       Federal use in accordance with subtitle I of title 40 and  
17       title III of the Federal Property and Administrative Serv-  
18       ices Act of 1949 (41 U.S.C. 251 et seq.).

19       “(2)(A) Before the end of the 30-day period begin-  
20       ning on the date of the enactment of a provision of law  
21       authorizing or requiring the conveyance of a parcel of real  
22       property by the Secretary concerned, the Administrator of  
23       General Services shall complete the screening referred to  
24       in paragraph (1) with regard to the real property and no-



1 tify the Secretary concerned and Congress of the results  
2 of the screening. The notice shall include—

3 “(i) the name of the Federal agency requesting  
4 transfer of the property;

5 “(ii) the proposed use to be made of the prop-  
6 erty by the Federal agency; and

7 “(iii) the fair market value of the property, in-  
8 cluding any improvements thereon, as estimated by  
9 the Administrator.

10 “(B) If the Administrator fails to complete the  
11 screening and notify the Secretary concerned and Con-  
12 gress within such period, the Secretary concerned shall  
13 proceed with the conveyance of the real property as pro-  
14 vided in the provision of law authorizing or requiring the  
15 conveyance.

16 “(3) If the Administrator submits notice under para-  
17 graph (2)(A) that further Federal use of a parcel of real  
18 property is requested by a Federal agency, the Secretary  
19 concerned may not proceed with the conveyance of the  
20 property as provided in the provision of law authorizing  
21 or requiring the conveyance until the end of the 180-day  
22 period beginning on the date on which the notice is sub-  
23 mitted to Congress.

1       “(4) The screening requirements of this subsection  
2 shall not apply to real property authorized or required to  
3 be conveyed under any of the following provisions of law:

4               “(A) A base closure law.

5               “(B) Chapter 5 of title 40.

6               “(C) Any specific provision of law authorizing  
7 or requiring the transfer of administrative jurisdic-  
8 tion over a parcel or real property between Federal  
9 agencies.”.

10       (b) CONFORMING AMENDMENTS.—

11               (1) CONFORMING AMENDMENTS TO AUTHORITY  
12 ON INTERCHANGE OF PROPERTY AND SERVICES.—

13               (A) Section 2571(a) of such title is amended by  
14 striking “and real property”.

15               (B) The heading of such section is amended to  
16 read as follows:

17       **“§ 2571. Interchange of supplies and services”.**

18               (2) REPEAL OF SUPERSEDED AUTHORITY ON  
19 SCREENING AND TRANSFER FOR CORRECTIONAL  
20 PURPOSES.—Section 2693 of such title is repealed.

21       (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
22 tions at the beginning of chapter 153 of such title is  
23 amended by striking the item relating to section 2571 and  
24 inserting the following new item:

“2571. Interchange of supplies and services.”.

1       (2) The table of sections at the beginning of chapter  
2 159 of such title is amended—

3           (A) by striking the item relating to section  
4 2693; and

5           (B) by striking the item relating to section  
6 2696 and inserting the following new item:

“2696. Real property: transfer between armed forces; screening for transfer or conveyance.”.

7 **SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EX-**  
8 **CHANGE UNDER AGREEMENTS TO LIMIT EN-**  
9 **CROACHMENTS ON MILITARY TRAINING,**  
10 **TESTING, AND OPERATIONS.**

11       Section 2684a(h) of title 10, United States Code, is  
12 amended—

13           (1) in the heading, by striking “FUNDING” and  
14 inserting “CONSIDERATION”; and

15           (2) by adding at the end the following new  
16 paragraph:

17       “(3) Land under the jurisdiction of the Secretary  
18 concerned that is determined to be excess to the needs of  
19 the Department of Defense may be used by way of ex-  
20 change to enter into an agreement under this section, but  
21 only if such land is located within the same State as the  
22 installation that is the subject of the agreement.”.

1 **SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY**  
 2 **AND RELATED REPORTING REQUIREMENTS.**

3 Section 2688 of title 10, United States Code, as  
 4 amended by section 2823 of the Military Construction Au-  
 5 thorization Act for Fiscal Year 2006 (Public Law 109–  
 6 163), is further amended—

7 (1) in subsection (a)(2)(A)—

8 (A) in clause (i), by striking the semicolon  
 9 at the end and inserting “; and”; and

10 (B) by striking clause (iii); and

11 (2) in subsection (d)—

12 (A) in paragraph (1), by striking “10  
 13 years” and inserting “50 years”; and

14 (B) in paragraph (2)—

15 (i) in the first sentence, by striking “a  
 16 term in excess of 10 years” and all that  
 17 follows through the period at the end and  
 18 inserting “a term not to exceed 50 years.”;  
 19 and

20 (ii) in the second sentence, by striking  
 21 “shall include” and all that follows  
 22 through the period at the end and insert-  
 23 ing “shall include an explanation of the  
 24 term of the contract.”.

1 **SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE**  
 2 **TERM FOR CERTAIN STRUCTURES AND REAL**  
 3 **PROPERTY RELATING TO STRUCTURES IN**  
 4 **FOREIGN COUNTRIES.**

5 Section 2675(a) of title 10, United States Code, is  
 6 amended by striking “five years” and inserting “10  
 7 years”.

8 **SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY,**  
 9 **POTOMAC ANNEX, DISTRICT OF COLUMBIA.**

10 Section 2831 of the National Defense Authorization  
 11 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.  
 12 2795) is amended by striking “consisting of approximately  
 13 3 acres” and inserting “consisting of approximately 4  
 14 acres and containing two buildings, known as building 6  
 15 and building 7”.

16 **SEC. 2828. REPORTS ON ARMY TRAINING RANGES.**

17 (a) **LIMITATION.**—The Secretary of the Army may  
 18 not carry out any acquisition of real property to expand  
 19 the Pinon Canyon Maneuver Site at Fort Carson, Colo-  
 20 rado until 30 days after the Secretary submits the report  
 21 required under subsection (b).

22 (b) **REPORT ON PINON CANYON MANEUVER SITE.**—

23 (1) **IN GENERAL.**—Not later than November  
 24 30, 2006, the Secretary of the Army shall submit to  
 25 the congressional defense committees a report con-  
 26 taining an analysis of any potential expansion of the

1 military training range at the Pinon Canyon Maneu-  
2 ver Site at Fort Carson, Colorado.

3 (2) CONTENT.—The report required under  
4 paragraph (1) shall include the following informa-  
5 tion:

6 (A) A description of the Army's current  
7 and projected military requirements for training  
8 at the Pinon Canyon Maneuver Site.

9 (B) An analysis of the reasons for any  
10 changes in those requirements, including the ex-  
11 tent to which they are a result of the increase  
12 of military personnel due to the 2005 round of  
13 defense base closure and realignment, the con-  
14 version of Army brigades to a modular format,  
15 or the Integrated Global Presence and Basing  
16 Strategy.

17 (C) A proposed plan for addressing those  
18 requirements, including a description of any  
19 proposed expansion of the existing training  
20 range by acquiring privately held land sur-  
21 rounding the site and an analysis of alternative  
22 approaches that do not require expansion of the  
23 training range.

1 (D) If an expansion of the training range  
2 is recommended pursuant to subparagraph (C),  
3 the following information:

4 (i) An assessment of the economic im-  
5 pact on local communities of such acqui-  
6 sition.

7 (ii) An assessment of the environ-  
8 mental impact of expanding the Pinon  
9 Canyon Maneuver Site.

10 (iii) An estimate of the costs associ-  
11 ated with the potential expansion, includ-  
12 ing land acquisition, range improvements,  
13 installation of utilities, environmental res-  
14 toration, and other environmental activities  
15 in connection with the acquisition.

16 (iv) An assessment of options for com-  
17 pensating local communities for the loss of  
18 property tax revenue as a result of the ex-  
19 pansion of Pinon Canyon Maneuver Site.

20 (v) An assessment of whether the ac-  
21 quisition of additional land at the Pinon  
22 Canyon Maneuver Site can be carried out  
23 by the Secretary solely through trans-  
24 actions, including land exchanges and the

1                   lease or purchase of easements, with will-  
2                   ing sellers of the privately held land.

3       (c) REPORT ON EXPANSION OF ARMY TRAINING  
4 RANGES.—

5           (1) IN GENERAL.—Not later than February 1,  
6       2007, the Secretary of the Army shall submit to the  
7       congressional defense committees a report containing  
8       an assessment of the training ranges operated by the  
9       Army to support major Army units.

10          (2) CONTENT.—The report required under  
11       paragraph (1) shall include the following informa-  
12       tion:

13               (A) The size, description, and mission es-  
14               sential training tasks supported by each such  
15               Army training range during fiscal year 2003.

16               (B) A description of the projected changes  
17               in training range requirements, including the  
18               size, characteristics, and attributes for mission  
19               essential training of each range and the extent  
20               to which any changes in requirements are a re-  
21               sult of the 2005 round of defense base closure  
22               and realignment, the conversion of Army bri-  
23               gades to a modular format, or the Integrated  
24               Global Presence and Basing Strategy.



1 (C) The projected deficit or surplus of  
2 training land at each such range, and a descrip-  
3 tion of the Army's plan to address that pro-  
4 jected deficit or surplus of land as well as the  
5 upgrade of range attributes at each existing  
6 training range.

7 (D) A description of the Army's  
8 prioritization process and investment strategy  
9 to address the potential expansion or upgrade  
10 of training ranges.

11 (E) An analysis of alternatives to the ex-  
12 pansion of Army ranges to include an assess-  
13 ment of the joint use of ranges operated by  
14 other services.

15 **SEC. 2829. USE OF RENEWABLE ENERGY TO MEET ELEC-**  
16 **TRICITY NEEDS.**

17 It shall be the goal of the Department of Defense to  
18 ensure that the Department—

19 (1) produces or procures not less than 25 per-  
20 cent of the total quantity of electric energy it con-  
21 sumes within its facilities and in its activities during  
22 fiscal year 2025 and each fiscal year thereafter from  
23 renewable energy sources (as defined in section  
24 203(b) of the Energy Policy Act of 2005 (42 U.S.C.  
25 15852(b)); and

1           (2) produces or procures such renewable energy  
 2           when it is life-cycle cost effective to do so (as defined  
 3           in section 708 of Executive Order 13123 (42 U.S.C.  
 4           8251 note; relating to greening the Government  
 5           through efficient energy management)).

6 **SEC. 2830. NAMING OF NAVY AND MARINE CORPS RESERVE**  
 7                   **CENTER AT ROCK ISLAND, ILLINOIS, IN**  
 8                   **HONOR OF LANE EVANS, A MEMBER OF THE**  
 9                   **HOUSE OF REPRESENTATIVES.**

10       DESIGNATION.—The Navy and Marine Corps Re-  
 11       serve Center at Rock Island Arsenal, Illinois, shall be  
 12       known and designated as the “Lane Evans Navy and Ma-  
 13       rine Corps Reserve Center”. Any reference in a law, map,  
 14       regulation, document, paper, or other record of the United  
 15       States to the Navy and Marine Corps Reserve Center at  
 16       Rock Island Arsenal shall be deemed to be a reference to  
 17       the Lane Evans Navy and Marine Corps Reserve Center.

18                   **Subtitle C—Base Closure and**  
 19                   **Realignment**

20 **SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM:**  
 21                   **RESEARCH AND TECHNICAL ASSISTANCE.**

22       Section 2391 of title 10, United States Code, is  
 23       amended by inserting after subsection (b) the following  
 24       new subsection:

1       “(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1)  
 2   The Secretary of Defense may make grants, conclude co-  
 3   operative agreements, and enter into contracts in order  
 4   to conduct research and technical assistance in support  
 5   of activities under this section or Executive Order 12788.

6       “(2) A grant, cooperative agreement, or contract  
 7   under this subsection may be with or to a Federal agency,  
 8   a State or local government, or any private entity.”.

9   **SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY**  
 10                   **PLANNING ASSISTANCE RELATED TO CER-**  
 11                   **TAIN MILITARY FACILITIES NOT UNDER DE-**  
 12                   **PARTMENT OF DEFENSE JURISDICTION.**

13       Section 2391(d)(1) of title 10, United States Code,  
 14   is amended by striking the period at the end and inserting  
 15   the following: “, except that for purposes of subsection  
 16   (b)(1)(D), a ‘military installation’ may also include a mili-  
 17   tary facility owned and operated by a State, the District  
 18   of Columbia, the Commonwealth of Puerto Rico, American  
 19   Samoa, the Virgin Islands, or Guam even though such fa-  
 20   cility is not under the jurisdiction of the Department of  
 21   Defense, if the facility is subject to significant use for  
 22   training by the armed forces.”.

1 **SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN**  
2 **CONNECTION WITH LEASE PROCEEDS RE-**  
3 **CEIVED AT MILITARY INSTALLATIONS AP-**  
4 **PROVED FOR CLOSURE OR REALIGNMENT**  
5 **AFTER JANUARY 1, 2005.**

6 Section 2667(d) of title 10, United States Code, is  
7 amended—

8 (1) in paragraph (5), by inserting after “lease  
9 under subsection (f)” the following: “at a military  
10 installation to be closed or realigned under a base  
11 closure law, the date of approval of which is before  
12 January 1, 2005,”; and

13 (2) by adding at the end the following new  
14 paragraph:

15 “(6) Money rentals received by the United States  
16 from a lease under subsection (f) at a military installation  
17 to be closed or realigned under a base closure law, the  
18 date of approval of which is on or after January 1, 2005,  
19 shall be deposited into the account established under sec-  
20 tion 2906A(a) of the Defense Base Closure and Realign-  
21 ment Act of 1990 (part A of title XXIX of Public Law  
22 101–510; 10 U.S.C. 2687 note).”.

1 **SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL**  
2 **GUARD BASES AFFECTED BY 2005 ROUND OF**  
3 **DEFENSE BASE CLOSURE AND REALIGN-**  
4 **MENT.**

5 (a) REPORT.—Not later than January 1, 2007, the  
6 Secretary of the Air Force shall submit to Congress a re-  
7 port on planning by the Department of the Air Force for  
8 future roles and missions for active and Air National  
9 Guard personnel and installations affected by decisions of  
10 the 2005 round of defense base closure and realignment.

11 (b) CONTENT.—The report required under subsection  
12 (a) shall include—

13 (1) an assessment of the capabilities, character-  
14 istics, and capacity of the facilities, infrastructure,  
15 and authorized personnel at each affected base;

16 (2) a description of the planning process used  
17 by the Air Force to determine future roles and mis-  
18 sions at active and Air National Guard bases af-  
19 fected by the decisions of the 2005 round of defense  
20 base closure and realignment, including an analysis  
21 of alternatives for installations to support each fu-  
22 ture role or mission;

23 (3) a description of the future roles and mis-  
24 sions under consideration for each active and Air  
25 National Guard base and an explanation of the cri-  
26 teria and decision-making process to make final de-

1       cisions about future roles and missions for each  
2       base; and

3           (4) a timeline for decisions on the final deter-  
4       mination of future roles and missions for each active  
5       and Air National Guard base affected by the deci-  
6       sions of the 2005 round of defense base closure and  
7       realignment.

8       (c) BASES COVERED.—The report required under  
9       subsection (a) shall include information on each active and  
10      Air National Guard base at which the number of aircraft,  
11      weapon systems, or functions is proposed to be reduced  
12      or eliminated and to any installation that was considered  
13      as a potential receiving location for the realignment of air-  
14      craft, weapons systems, or functions.

## 15       **Subtitle D—Land Conveyances**

### 16      **SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNI-** 17                                   **TION PLANT, VIRGINIA.**

18       (a) CONVEYANCE AUTHORIZED.—The Secretary of  
19      the Army may convey, without consideration, to the Com-  
20      monwealth of Virginia (in this section referred to as the  
21      “Commonwealth”) all right, title, and interest of the  
22      United States in and to a parcel of real property, including  
23      improvements thereon, consisting of approximately 80  
24      acres at Radford Army Ammunition Plant, New River  
25      Unit, Virginia, for the purpose of permitting the Common-

1 wealth to establish on the property a cemetery operated  
 2 by the Commonwealth for veterans of the Armed Forces.

3 (b) REVERSIONARY INTEREST.—If the Secretary de-  
 4 termines at any time that the real property conveyed  
 5 under subsection (a) is not being used in accordance with  
 6 the purpose of the conveyance specified in such subsection,  
 7 all right, title, and interest in and to the property shall  
 8 revert, at the option of the Secretary, to the United States,  
 9 and the United States shall have the right of immediate  
 10 entry onto the property. Any determination of the Sec-  
 11 retary under this subsection shall be made on the record  
 12 after an opportunity for a hearing.

13 (c) PAYMENT OF COSTS OF CONVEYANCE.—

14 (1) PAYMENT REQUIRED.—(A) The Secretary  
 15 may require the Commonwealth to cover costs to be  
 16 incurred by the Secretary, or to reimburse the Sec-  
 17 retary for costs incurred by the Secretary, to carry  
 18 out the conveyance under subsection (a), including  
 19 survey costs, costs related to environmental docu-  
 20 mentation, and other administrative costs related to  
 21 the conveyance. If amounts are collected from the  
 22 Commonwealth in advance of the Secretary incur-  
 23 ring the actual costs, and the amount collected ex-  
 24 ceeds the costs actually incurred by the Secretary to

1        carry out the conveyance, the Secretary shall refund  
2        the excess amount to the Commonwealth.

3            (B) The authority of the Secretary to require  
4        the Commonwealth to cover administrative costs re-  
5        lated to the conveyance does not include costs re-  
6        lated to any environmental remediation required for  
7        the property.

8            (2) TREATMENT OF AMOUNTS RECEIVED.—  
9        Amounts received as reimbursement under para-  
10       graph (1) shall be credited to the fund or account  
11       that was used to cover the costs incurred by the Sec-  
12       retary in carrying out the conveyance. Amounts so  
13       credited shall be merged with amounts in such fund  
14       or account and shall be available for the same pur-  
15       poses, and subject to the same conditions and limita-  
16       tions, as amounts in such fund or account.

17        (d) DESCRIPTION OF PROPERTY.—The exact acreage  
18       and legal description of the real property to be conveyed  
19       under subsection (a) shall be determined by a survey satis-  
20       factory to the Secretary.

21        (e) ADDITIONAL TERMS AND CONDITIONS.—The  
22       Secretary may require such additional terms and condi-  
23       tions in connection with the conveyance under subsection  
24       (a) as the Secretary considers appropriate to protect the  
25       interests of the United States.



1 **SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AU-**  
 2 **THORITY, ENGINEERING PROVING GROUND,**  
 3 **FORT BELVOIR, VIRGINIA.**

4 (a) CONSTRUCTION OF SECURITY BARRIER.—Section  
 5 2836 of the Military Construction Authorization Act for  
 6 Fiscal Year 2002 (division B of Public Law 107–107; 115  
 7 Stat. 1314), as amended by section 2846 of the Military  
 8 Construction Authorization Act for Fiscal Year 2006 (di-  
 9 vision B of Public Law 109–163; 119 Stat. 3527), is fur-  
 10 ther amended—

11 (1) in subsection (b)(4), by striking  
 12 “\$3,880,000” and inserting “\$4,880,000”; and

13 (2) in subsection (d)—

14 (A) in paragraph (1), by inserting after  
 15 “Virginia,” the following: “and the construction  
 16 of a security barrier, as applicable,”; and

17 (B) in paragraph (2), by inserting after  
 18 “Building 191” the following: “and the con-  
 19 struction of a security barrier, as applicable”.

20 (b) AUTHORITY TO ENTER INTO ALTERNATIVE  
 21 AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIR-  
 22 FAX COUNTY PARKWAY PORTION.—Such section 2836 is  
 23 further amended—

24 (1) in subsection (b)—

25 (A) by amending paragraph (1) to read as  
 26 follows:

1           “(1) except as provided in subsection (f), design  
 2           and construct, at its expense and for public benefit,  
 3           the portion of the Fairfax County Parkway through  
 4           the Engineer Proving Ground (in this section re-  
 5           ferred to as the ‘Parkway portion’);”;

6           (B) in paragraph (2), by inserting after  
 7           “C514” the following: “, RW-214 (in this sec-  
 8           tion referred to as ‘Parkway project’)”;

9           (2) by redesignating subsection (f) as sub-  
 10          section (g);

11          (3) by inserting after subsection (e) the fol-  
 12          lowing new subsection:

13          “(f) ALTERNATE AGREEMENT FOR CONSTRUCTION  
 14          OF ROAD.—(1) The Secretary of the Army may, in con-  
 15          nection with the conveyance authorized under subsection  
 16          (a), enter into an agreement with the Commonwealth pro-  
 17          viding for the design and construction by the Department  
 18          of the Army or the United States Department of Trans-  
 19          portation of the Parkway portion and other portions of  
 20          the Fairfax County Parkway off the Engineer Proving  
 21          Ground that are necessary to complete the Parkway  
 22          project (in this subsection referred to as the ‘alternate  
 23          agreement’) if the Secretary determines that the alternate  
 24          agreement is in the best interests of the United States  
 25          to support the permanent relocation of additional military

1 and civilian personnel at Fort Belvoir pursuant to deci-  
2 sions made as part of the 2005 round of defense base clo-  
3 sure and realignment under the Defense Base Closure and  
4 Realignment Act of 1990 (part A of title XXIX of Public  
5 Law 101–510; 10 U.S.C. 2687 note).

6 “(2) If the Secretary of Defense certifies that the  
7 Parkway portion is important to the national defense pur-  
8 suant to section 210 of title 23, United States Code, the  
9 Secretary of the Army may enter into an agreement with  
10 the Secretary of Transportation to carry out the alternate  
11 agreement under the Defense Access Road Program.

12 “(3) The Commonwealth shall pay to the Secretary  
13 of the Army the costs of the design and construction of  
14 the Parkway portion and any other portions of the Fairfax  
15 County Parkway off the Engineer Proving Ground de-  
16 signed and constructed under the alternate agreement.  
17 The Secretary shall apply such payment to the design and  
18 construction provided for in the alternate agreement.

19 “(4) The Secretary may carry out environmental res-  
20 toration activities on real property under the jurisdiction  
21 of the Secretary in support of the construction of the  
22 Parkway portion with funds appropriated for that pur-  
23 pose.

24 “(5) The alternate agreement shall be subject to the  
25 following conditions:

1           “(A) The Commonwealth shall acquire and re-  
2       tain all necessary right, title, and interest in any  
3       real property not under the jurisdiction of the Sec-  
4       retary that is necessary for construction of the Park-  
5       way portion or for construction of any other portions  
6       of the Fairfax County Parkway off the Engineer  
7       Proving Ground that will be constructed under the  
8       alternate agreement, and shall grant to the United  
9       States all necessary access to and use of such prop-  
10      erty for such construction.

11          “(B) With respect to activities related to the  
12      construction of any portion of the Fairfax County  
13      Parkway off the Engineer Proving Ground that is  
14      not owned by the Federal Government, the Secretary  
15      of the Army shall not be considered an owner or op-  
16      erator for purposes of the Comprehensive Environ-  
17      mental Response, Compensation, and Liability Act  
18      of 1980 (42 U.S.C. 9601 et seq.).

19          “(C) The Secretary shall receive consideration  
20      from the Commonwealth as required in subsections  
21      (b)(2), (b)(3), and (b)(4) and shall carry out the ac-  
22      ceptance and disposition of funds in accordance with  
23      subsection (d).

24          “(6) The design of the Parkway portion under the  
25      alternate agreement shall be subject to the approval of the

1 Secretary and the Commonwealth in accordance with the  
 2 Virginia Department of Transportation Approved Plan,  
 3 dated June 15, 2004, Project #R000-029-249, PE-108,  
 4 C-514, RW-214. For each phase of the design and con-  
 5 struction of the Parkway portion under the alternate  
 6 agreement, the Secretary may—

7           “(A) accept funds from the Commonwealth; or

8           “(B) transfer funds received from the Common-  
 9 wealth to the United States Department of Trans-  
 10 portation.

11       “(7) Upon completion of the construction of the  
 12 Parkway portion and any other portions of the Fairfax  
 13 County Parkway off the Engineer Proving Ground re-  
 14 quired under the alternate agreement, the Secretary shall  
 15 carry out the conveyance under subsection (a). As a condi-  
 16 tion of such conveyance carried out under the alternate  
 17 agreement, the Secretary shall receive a written commit-  
 18 ment, in a form satisfactory to the Secretary, that the  
 19 Commonwealth agrees to accept all responsibility for the  
 20 costs of operation and maintenance of the Parkway por-  
 21 tion upon conveyance to the Commonwealth of such real  
 22 property.”; and

23           (4) in subsection (g), as redesignated by para-  
 24 graph (2), by inserting “or the alternate agreement

1 authorized under subsection (f)” after “conveyance  
2 under subsection (a)”.

3 **SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.**

4 (a) CONVEYANCES AUTHORIZED.—

5 (1) ARMY CONVEYANCE.—The Secretary of the  
6 Army may convey to the Metropolitan Community  
7 College Area, a public community college located in  
8 Omaha, Nebraska (in this section referred to as the  
9 “College”) all right, title, and interest of the United  
10 States in and to three parcels of real property under  
11 the control of the Army Reserve, including any im-  
12 provements thereon, consisting of approximately  
13 5.42 acres on the Fort Omaha campus at the Col-  
14 lege, for educational purposes.

15 (2) NAVY CONVEYANCE.—The Secretary of the  
16 Navy may convey to the College all right, title, and  
17 interest of the United States in and to a parcel of  
18 real property under the control of the Navy Reserve  
19 and Marine Corps Reserve, including any improve-  
20 ments thereon, consisting of approximately 6.57  
21 acres on the Fort Omaha campus at the College, for  
22 educational purposes.

23 (b) CONSIDERATION.—

24 (1) IN GENERAL.—As consideration for each  
25 conveyance under subsection (a), the College shall

1 provide the United States, whether by cash payment,  
 2 in-kind consideration, or a combination thereof, an  
 3 amount that is not less than the fair market value  
 4 of the conveyed property, as determined pursuant to  
 5 an appraisal acceptable to the Secretary concerned.

6 (2) REDUCED TUITION RATES.—The Secretary  
 7 concerned may accept as in-kind consideration under  
 8 paragraph (1) reduced tuition rates for military per-  
 9 sonnel at the College.

10 (c) PAYMENT OF COSTS OF CONVEYANCES.—

11 (1) PAYMENT REQUIRED.—The Secretary con-  
 12 cerned shall require the College to cover costs to be  
 13 incurred by the Secretary, or to reimburse the Sec-  
 14 retary for costs incurred by the Secretary to carry  
 15 out a conveyance under subsection (a), including  
 16 survey costs, related to the conveyance. If amounts  
 17 are collected from the College in advance of the Sec-  
 18 retary incurring the actual costs, and the amount  
 19 collected exceeds the costs actually incurred by the  
 20 Secretary to carry out the conveyance, the Secretary  
 21 shall refund the excess amount to the College.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—  
 23 Amounts received under paragraph (1) as reim-  
 24 bursement for costs incurred by the Secretary con-  
 25 cerned to carry out a conveyance under subsection

1 (a) shall be credited to the fund or account that was  
 2 used to cover the costs incurred by the Secretary in  
 3 carrying out the conveyance. Amounts so credited  
 4 shall be merged with amounts in such fund or ac-  
 5 count and shall be available for the same purposes,  
 6 and subject to the same conditions and limitations,  
 7 as amounts in such fund or account.

8 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
 9 and legal description of the real property to be conveyed  
 10 under subsection (a) shall be determined by surveys satis-  
 11 factory to the Secretaries concerned.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 13 Secretary concerned may require such additional terms  
 14 and conditions in connection with the conveyances under  
 15 subsection (a) as the Secretary considers appropriate to  
 16 protect the interests of the United States.

## 17 **Subtitle E—Other Matters**

### 18 **SEC. 2851. RICKENBACKER AIRPORT, COLUMBUS, OHIO.**

19 The project numbered 4651 in section 1702 of the  
 20 Safe, Accountable, Flexible, Efficient Transportation Eq-  
 21 uity Act: A Legacy for Users (119 Stat. 1434) is amended  
 22 by striking “Grading, paving” and all that follows through  
 23 “Airport” and inserting “Grading, paving, roads, and the  
 24 transfer of rail-to-truck for the intermodal facility at Rick-  
 25 enbacker Airport, Columbus, Ohio”.



1 **SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.**

2 (a) HIGH PRIORITY PROJECT.—The table contained  
 3 in section 1702 of the Safe, Accountable, Flexible, Effi-  
 4 cient Transportation Equity Act: A Legacy for Users (119  
 5 Stat. 1256) is amended in the item numbered 4333 (119  
 6 Stat. 1422) by striking “Plan and construct, land acqui-  
 7 sition, Detroit West Riverfront Greenway” and inserting  
 8 “Detroit Riverfront Conservancy, Riverfront walkway,  
 9 greenway, and adjacent land planning, construction, and  
 10 land acquisition from Gabriel Richard Park at the Doug-  
 11 las Mac Arthur Bridge to Riverside Park at the Amba-  
 12 sador Bridge, Detroit”.

13 (b) TRANSPORTATION IMPROVEMENT PROJECT.—  
 14 The table contained in section 1934(c) of the Safe, Ac-  
 15 countable, Flexible, Efficient Transportation Equity Act:  
 16 A Legacy for Users (119 Stat. 1485) is amended in the  
 17 item numbered 196 (119 Stat. 1495) by striking “Detroit  
 18 Riverfront Conservancy, West Riverfront Walkway,  
 19 Greenway and Adjacent Land Acquisition, from River-  
 20 front Towers to Ambassador Bridge, Detroit” and insert-  
 21 ing “Detroit Riverfront Conservancy, Riverfront walkway,  
 22 greenway, and adjacent land planning, construction, and  
 23 land acquisition from Gabriel Richard Park at the Doug-  
 24 las Mac Arthur Bridge to Riverside Park at the Amba-  
 25 sador Bridge, Detroit”.

1 **SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE,**  
2 **RHODE ISLAND.**

3 (a) DEFINITIONS.—In this section:

4 (1) The term “Barrier” means the Fox Point  
5 Hurricane Barrier, Providence, Rhode Island.

6 (2) The term “City” means the city of Provi-  
7 dence, Rhode Island.

8 (3) The term “Secretary” means the Secretary  
9 of the Army, acting through the Chief of Engineers.

10 (b) RESPONSIBILITY FOR BARRIER.—Not later than  
11 2 years after the date of enactment of this Act, the Sec-  
12 retary shall assume responsibility for the annual operation  
13 and maintenance of the Barrier.

14 (c) REQUIRED STRUCTURES.—

15 (1) IN GENERAL.—The City, in coordination  
16 with the Secretary, shall identify any land and struc-  
17 tures required for the continued operation and main-  
18 tenance, repair, replacement, rehabilitation, and  
19 structural integrity of the Barrier.

20 (2) CONVEYANCE.—The City shall convey to  
21 the Secretary, by quitclaim deed and without consid-  
22 eration, all rights, title, and interests of the City in  
23 and to the land and structures identified under  
24 paragraph (1).

25 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
26 are authorized to be appropriated to the Secretary such

1 funds as are necessary for each fiscal year to operate and  
2 maintain the Barrier (including repair, replacement, and  
3 rehabilitation).

4 **SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMP-**  
5 **SHIRE.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Army may convey to the Town of Hopkinton, New  
8 Hampshire (in this section referred to as the “Town”),  
9 all right, title, and interest of the United States in and  
10 to a parcel of real property, including any improvements  
11 thereon, consisting of approximately 90 acres located at  
12 a site in Hopkinton, New Hampshire, known as the “Kast  
13 Hill” property for the purpose of permitting the Town to  
14 use the existing sand and gravel resources on the property  
15 and to ensure perpetual conservation of the property.

16 (b) CONSIDERATION.—

17 (1) IN GENERAL.—As consideration for the con-  
18 veyance under subsection (a), the Town shall, sub-  
19 ject to paragraph (2), provide to the United States,  
20 whether by cash payment, in-kind consideration, or  
21 a combination thereof, an amount that is not less  
22 than the fair market value of the conveyed property,  
23 as determined pursuant to an appraisal acceptable  
24 to the Secretary.

1           (2) WAIVER OF PAYMENT OF CONSIDER-  
 2           ATION.—The Secretary may waive the requirement  
 3           for consideration under paragraph (1) if the Sec-  
 4           retary determines that the Town will not use the ex-  
 5           isting sand and gravel resources to generate revenue.

6           (c) REVERSIONARY INTEREST.—If the Secretary de-  
 7           termines at any time that the real property conveyed  
 8           under subsection (a) is not being used in accordance with  
 9           the purpose of the conveyance specified in such subsection,  
 10          all right, title, and interest in and to all or any portion  
 11          of the property shall revert, at the option of the Secretary,  
 12          to the United States, and the United States shall have  
 13          the right of immediate entry onto the property. Any deter-  
 14          mination of the Secretary under this subsection shall be  
 15          made on the record after an opportunity for a hearing.

16          (d) PROHIBITION ON RECONVEYANCE OF LAND.—  
 17          The Town may not reconvey any of the land acquired from  
 18          the United States under subsection (a) without the prior  
 19          approval of the Secretary.

20          (e) PAYMENT OF COSTS OF CONVEYANCE.—

21               (1) PAYMENT REQUIRED.—The Secretary shall  
 22               require the Town to cover costs to be incurred by  
 23               the Secretary, or to reimburse the Secretary for  
 24               costs incurred by the Secretary, to carry out the  
 25               conveyance under subsection (a), including survey

1 costs, costs related to environmental documentation,  
2 and other administrative costs related to the convey-  
3 ance. If amounts are collected from the Town in ad-  
4 vance of the Secretary incurring the actual costs,  
5 and the amount collected exceeds the costs actually  
6 incurred by the Secretary to carry out the convey-  
7 ance, the Secretary shall refund the excess amount  
8 to the Town.

9 (2) TREATMENT OF AMOUNTS RECEIVED.—

10 Amounts received as reimbursement under para-  
11 graph (1) shall be credited to the fund or account  
12 that was used to cover the costs incurred by the Sec-  
13 retary in carrying out the conveyance. Amounts so  
14 credited shall be merged with amounts in such fund  
15 or account and shall be available for the same pur-  
16 poses, and subject to the same conditions and limita-  
17 tions, as amounts in such fund or account.

18 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
19 and legal description of the real property to be conveyed  
20 under subsection (a) shall be determined by a survey satis-  
21 factory to the Secretary.

22 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary may require such additional terms and condi-  
24 tions in connection with the conveyance of real property

1 under subsection (a) as the Secretary consider appropriate  
 2 to protect the interests of the United States.

3 **SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY**  
 4 **PROJECTS.**

5 The Federal Transit Administration’s Dear Colleague  
 6 letter dated April 29, 2005 (C–05–05), which requires  
 7 fixed guideway projects to achieve a “medium” cost-effec-  
 8 tiveness rating for the Federal Transit Administration to  
 9 recommend such projects for funding, shall not apply to  
 10 the Northstar Corridor Commuter Rail Project in Min-  
 11 nesota.

12 **DIVISION C—DEPARTMENT OF**  
 13 **ENERGY NATIONAL SECURITY**  
 14 **AUTHORIZATIONS AND**  
 15 **OTHER AUTHORIZATIONS**  
 16 **TITLE XXXI—DEPARTMENT OF**  
 17 **ENERGY NATIONAL SECURITY**  
 18 **PROGRAMS**  
 19 **Subtitle A—National Security**  
 20 **Programs**

21 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 22 **TION.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 24 are hereby authorized to be appropriated to the Depart-  
 25 ment of Energy for fiscal year 2007 for the activities of

1 the National Nuclear Security Administration in carrying  
2 out programs necessary for national security in the  
3 amount of \$9,333,311,000, to be allocated as follows:

4 (1) For weapons activities, \$6,455,389,000.

5 (2) For defense nuclear nonproliferation activi-  
6 ties, \$1,726,213,000.

7 (3) For naval reactors, \$795,133,000.

8 (4) For the Office of the Administrator for Nu-  
9 clear Security, \$356,576,000.

10 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

11 From funds referred to in subsection (a) that are available  
12 for carrying out plant projects, the Secretary of Energy  
13 may carry out new plant projects for the National Nuclear  
14 Security Administration as follows:

15 (1) For readiness in technical base and facili-  
16 ties, the following new plant projects:

17 Project 07–D–140, Readiness in Technical  
18 Base and Facilities Program, project engineer-  
19 ing and design, various locations, \$4,977,000.

20 Project 07–D–220, Radioactive liquid  
21 waste treatment facility upgrade project, Los  
22 Alamos National Laboratory, Los Alamos, New  
23 Mexico, \$14,828,000.

24 (2) For facilities and infrastructure recapital-  
25 ization, the following new plant project:

1                   Project 07–D–253, Technical Area 1 heat-  
2                   ing systems modernization, Sandia National  
3                   Laboratories, Albuquerque, New Mexico,  
4                   \$14,500,000.

5                   (3) For defense nuclear nonproliferation, the  
6                   following new plant project:

7                   Project 07–SC–05, Physical Sciences Fa-  
8                   cility, Pacific Northwest National Laboratory,  
9                   Richland, Washington, \$4,220,000.

10                  (4) For naval reactors, the following new plant  
11                  project:

12                  Project 07–D–190, Materials Research  
13                  Technology Complex, project engineering and  
14                  design, Bettis Atomic Power Laboratory, West  
15                  Mifflin, Pennsylvania, \$1,485,000.

16 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

17                  Funds are hereby authorized to be appropriated to  
18                  the Department of Energy for fiscal year 2007 for defense  
19                  environmental cleanup activities in carrying out programs  
20                  necessary for national security in the amount of  
21                  \$5,430,312,000.

22 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

23                  Funds are hereby authorized to be appropriated to  
24                  the Department of Energy for fiscal year 2007 for other



1 defense activities in carrying out programs necessary for  
 2 national security in the amount of \$624,530,000.

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to  
 5 the Department of Energy for fiscal year 2007 for defense  
 6 nuclear waste disposal for payment to the Nuclear Waste  
 7 Fund established in section 302(c) of the Nuclear Waste  
 8 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
 9 of \$333,080,000.

10 **Subtitle B—Other Matters**

11 **SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE**  
 12 **TO CERTAIN THIRD PARTY FINANCING AR-**  
 13 **RANGEMENTS.**

14 Subtitle A of title XLVIII of the Atomic Energy De-  
 15 fense Act (50 U.S.C. 2781 et seq.) is amended by adding  
 16 at the end the following new section:

17 **“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE**  
 18 **TO CERTAIN THIRD PARTY FINANCING AR-**  
 19 **RANGEMENTS.**

20 “(a) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 21 retary of Energy may not enter into an arrangement de-  
 22 scribed in subsection (b) until 30 days after the date on  
 23 which the Secretary notifies the congressional defense  
 24 committees in writing of the proposed arrangement.

25 “(b) COVERED ARRANGEMENTS.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), an arrangement referred to in subsection  
3           (a) is any alternative financing arrangement, third  
4           party financing arrangement, public-private partner-  
5           ship, privatization arrangement, private capital ar-  
6           rangement, or other financing arrangement that—

7                   “(A) is entered into in connection with a  
8                   project conducted using funds authorized to be  
9                   appropriated to the Department of Energy to  
10                  carry out programs necessary for national secu-  
11                  rity; and

12                  “(B) involves a contractor or Federal  
13                  agency obtaining and charging to the Depart-  
14                  ment of Energy as an allowable cost under a  
15                  contract the use of office space, facilities, or  
16                  other real property assets with a value of at  
17                  least \$5,000,000.

18           “(2) EXCEPTION.—An arrangement referred to  
19           in subsection (a) does not include an arrangement  
20           that—

21                   “(A) involves the Department of Energy or  
22                   a contractor acquiring or entering into a capital  
23                   lease for office space, facilities, or other real  
24                   property assets; or

1           “(B) is entered into in connection with a  
 2           capital improvement project undertaken as part  
 3           of an energy savings performance contract  
 4           under section 801 of the National Energy Con-  
 5           servation Policy Act (42 U.S.C. 8287).”.

6 **SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
 7 **TIONS TO THE GLOBAL THREAT REDUCTION**  
 8 **INITIATIVE.**

9           Section 3132 of the Ronald W. Reagan National De-  
 10          fense Authorization Act for Fiscal Year 2005 (Public Law  
 11          108–375; 50 U.S.C. 2569) is amended—

12           (1) by redesignating subsection (f) as sub-  
 13          section (g); and

14           (2) by inserting after subsection (e) the fol-  
 15          lowing new subsection:

16          “(f) **INTERNATIONAL PARTICIPATION IN PRO-**  
 17          **GRAM.**—(1) In order to achieve international participation  
 18          in the program under subsection (b), the Secretary of En-  
 19          ergy may, with the concurrence of the Secretary of State,  
 20          enter into one or more agreements with any person, for-  
 21          eign government, or other international organization that  
 22          the Secretary of Energy considers appropriate for the con-  
 23          tribution of funds by such person, government, or organi-  
 24          zation for purposes of the programs described in para-  
 25          graph (2)(B).

1       “(2)(A) Notwithstanding section 3302 of title 31,  
 2 United States Code, and subject to paragraphs (3) and  
 3 (4), the Secretary of Energy may retain and utilize for  
 4 purposes of the programs described in subparagraph (B)  
 5 any amounts contributed by a person, government, or or-  
 6 ganization under an agreement under paragraph (1) with-  
 7 out further appropriation and without fiscal year limita-  
 8 tion.

9       “(B) The programs described in this subparagraph  
 10 are the following programs within the Global Threat Re-  
 11 duction Initiative:

12           “(i) The International Radiological Threat Re-  
 13 duction program.

14           “(ii) The Emerging Threats and Gap Materials  
 15 program.

16           “(iii) The Reduced Enrichment for Research  
 17 and Test Reactors program.

18           “(iv) The Russian Research Reactor Fuel Re-  
 19 turn program.

20           “(v) The Global Research Reactor Security pro-  
 21 gram.

22           “(vi) The Kazakhstan Spent Fuel program.

23       “(3) The Secretary of Energy may not utilize under  
 24 paragraph (2) any amount contributed under an agree-  
 25 ment under paragraph (1) until 30 days after the date

1 on which the Secretary notifies the congressional defense  
2 committees of the intent to utilize such amount, including  
3 the source of such amount and the proposed purpose for  
4 which such amount will be utilized.

5 “(4) If any amount contributed under paragraph (1)  
6 has not been utilized within 5 years of such contribution,  
7 the Secretary of Energy shall return such amount to the  
8 person, government, or organization that contributed it.

9 “(5) Not later than 30 days after the receipt of any  
10 amount contributed under paragraph (1), the Secretary  
11 of Energy shall submit to the congressional defense com-  
12 mittees a notice of the receipt of such amount.

13 “(6) Not later than October 31 of each year, the Sec-  
14 retary of Energy shall submit to the congressional defense  
15 committees a report on the receipt and utilization of  
16 amounts under this subsection during the preceding fiscal  
17 year. Each report for a fiscal year shall set forth—

18 “(A) a statement of any amounts received  
19 under this subsection, including the source of each  
20 such amount; and

21 “(B) a statement of any amounts utilized under  
22 this subsection, including the purposes for which  
23 such amounts were utilized.

1       “(7) The authority of the Secretary of Energy to ac-  
 2       cept and utilize amounts under this subsection shall expire  
 3       on December 31, 2013.”.

4       **SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
 5                               **TIONS TO THE SECOND LINE OF DEFENSE**  
 6                               **CORE PROGRAM.**

7       (a) INTERNATIONAL CONTRIBUTIONS AUTHOR-  
 8       IZED.—In order to achieve international participation in  
 9       the Second Line of Defense Core Program administered  
 10      by the National Nuclear Security Administration, the Sec-  
 11      retary of Energy may, with the concurrence of the Sec-  
 12      retary of State, enter into one or more agreements with  
 13      any person, foreign government, or other international or-  
 14      ganization that the Secretary of Energy considers appro-  
 15      priate for the contribution of funds by such person, gov-  
 16      ernment, or organization for purposes of the program.

17      (b) UTILIZATION OF CONTRIBUTIONS.—Notwith-  
 18      standing section 3302 of title 31, United States Code, and  
 19      subject to subsections (c) and (d), the Secretary of Energy  
 20      may retain and utilize for purposes of the program any  
 21      amounts contributed by a person, government, or organi-  
 22      zation under an agreement under subsection (a) without  
 23      further appropriation and without fiscal year limitation.

24      (c) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 25      retary of Energy may not utilize under subsection (b) any

1 amount contributed under an agreement under subsection  
2 (a) until 30 days after the date on which the Secretary  
3 notifies the congressional defense committees of the intent  
4 to utilize such amount, including the source of such  
5 amount and the proposed purpose for which such amount  
6 will be utilized.

7 (d) RETURN OF UNUTILIZED AMOUNTS.—If any  
8 amount contributed under subsection (a) has not been uti-  
9 lized within 5 years of such contribution, the Secretary  
10 of Energy shall return such amount to the person, govern-  
11 ment, or organization that contributed it.

12 (e) NOTIFICATION REQUIREMENT.—Not later than  
13 30 days after the receipt of any amount contributed under  
14 subsection (a), the Secretary of Energy shall submit to  
15 the congressional defense committees a notice of the re-  
16 ceipt of such amount.

17 (f) ANNUAL REPORT.—Not later than October 31 of  
18 each year, the Secretary of Energy shall submit to the con-  
19 gressional defense committees a report on the receipt and  
20 utilization of amounts under this subsection during the  
21 preceding fiscal year. Each report for a fiscal year shall  
22 set forth—

23 (1) a statement of any amounts received under  
24 this section, including the source of each such  
25 amount; and

1           (2) a statement of any amounts utilized under  
 2           this section, including the purposes for which such  
 3           amounts were utilized.

4           (g) **TERMINATION.**—The authority of the Secretary  
 5 of Energy to accept and utilize amounts under this sub-  
 6 section shall expire on December 31, 2013.

7 **SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUC-**  
 8 **TURE RECAPITALIZATION PROGRAM.**

9           Section 3114 of the National Defense Authorization  
 10 Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C.  
 11 2453 note) is amended by striking “2011” both places it  
 12 appears and inserting “2013”.

13 **SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**  
 14 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**  
 15 **NEERING, AND TECHNICAL PERSONNEL.**

16           Section 4601(c)(1) of the Atomic Energy Defense Act  
 17 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-  
 18 tember 30, 2006” and inserting “September 30, 2008”.

19 **SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF**  
 20 **LANDS TO LOS ALAMOS COUNTY, NEW MEX-**  
 21 **ICO, AND OF LANDS IN TRUST FOR THE PUEB-**  
 22 **LO OF SAN ILDEFONSO.**

23           Section 632 of the Departments of Commerce, Jus-  
 24 tice, and State, the Judiciary, and Related Agencies Ap-



1 appropriations Act, 1998 (Public Law 105–119; 111 Stat.  
2 2523; 42 U.S.C. 2391 note) is amended—

3 (1) in subsection (d)(2), by striking “10 years  
4 after the date of enactment of this Act” and insert-  
5 ing “November 26, 2012”; and

6 (2) in subsection (g)(3)(B), by striking “the  
7 end of the 10-year period beginning on the date of  
8 enactment of this Act” and inserting “November 26,  
9 2012”.

10 **SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**  
11 **WASTE TREATMENT AND IMMOBILIZATION**  
12 **PLANT.**

13 Of the amount authorized to be appropriated under  
14 section 3102 for defense environmental cleanup activities  
15 and available for the Waste Treatment and Immobilization  
16 Plant—

17 (1) not more than 30 percent of such amount  
18 may be obligated or expended until the date on  
19 which the Secretary of Energy certifies to the con-  
20 gressional defense committees that the Defense Con-  
21 tract Management Agency has certified the earned  
22 value management system used to track and report  
23 costs of the Waste Treatment and Immobilization  
24 Plant; and

1           (2) not more than 60 percent of such amount  
2       may be obligated or expended until the date on  
3       which the Secretary of Energy certifies to the con-  
4       gressional defense committees that the final seismic  
5       and ground motion criteria have been approved by  
6       the Secretary and that the contracting officer of the  
7       Waste Treatment and Immobilization Plant Project  
8       has formally directed that the final criteria be used  
9       for the final design of the Pretreatment Facility and  
10      the High-Level Waste Facility of the Waste Treat-  
11      ment and Immobilization Plant.

12 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
13                   **IMPLEMENTATION OF THE RUSSIAN SUR-**  
14                   **PLUS FISSILE MATERIALS DISPOSITION PRO-**  
15                   **GRAM.**

16       (a) LIMITATION.—(1) Except as provided in sub-  
17      section (b), none of the amount authorized to be appro-  
18      priated under section 3101(a)(2) for defense nuclear non-  
19      proliferation activities may be obligated for the implemen-  
20      tation of the Russian Surplus Fissile Materials Disposition  
21      Program (in this section referred to as the “Program”)  
22      until 30 days after the date on which the Secretary of  
23      Energy provides to the congressional defense committees  
24      written recommendations regarding whether and in what  
25      manner the Program should proceed.

1       (2) The recommendations submitted under para-  
2 graph (1) shall include—

3           (A) a description of the disposition method the  
4 Government of Russia has agreed to use;

5           (B) a description of the assistance the United  
6 States Government plans to provide under the Pro-  
7 gram;

8           (C) an estimate of the total cost and schedule  
9 of such assistance;

10          (D) an explanation of how parallelism is to be  
11 defined for purposes of the Program and whether  
12 such parallelism can be achieved if the United States  
13 mixed-oxide (MOX) plutonium disposition program  
14 continues on the current planned schedule without  
15 further delays.

16       (b) EXCEPTION.—The limitation under subsection  
17 (a) does not apply to the obligation of funds to continue  
18 research and development associated with the Gas Tur-  
19 bine-Modular Helium Reactor (GT-MHR).

20 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
21 **CONSTRUCTION OF MOX FUEL FABRICATION**  
22 **FACILITY.**

23       None of the amount authorized to be appropriated  
24 under section 3101(a)(2) for defense nuclear nonprolifera-  
25 tion activities may be obligated for construction project

1 99–D–143, the Mixed-Oxide (MOX) Fuel Fabrication Fa-  
 2 cility, until 30 days after the date on which the Secretary  
 3 of Energy provides to the congressional defense  
 4 committees—

5 (1) an independent cost estimate for the United  
 6 States Surplus Fissile Materials Disposition Pro-  
 7 gram and facilities; and

8 (2) a written certification that the Department  
 9 of Energy intends to use the MOX Fuel Fabrication  
 10 Facility for United States plutonium disposition re-  
 11 gardless of the future direction of the Russian Sur-  
 12 plus Fissile Materials Disposition Program.

13 **SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHOR-**  
 14 **IZATION OF APPROPRIATIONS FOR FISCAL**  
 15 **YEAR 2006.**

16 Effective as of January 6, 2006, and as if included  
 17 therein as enacted, section 3101(a) of the National De-  
 18 fense Authorization Act for Fiscal Year 2006 (Public Law  
 19 109–163; 119 Stat. 3537) is amended by striking  
 20 “\$9,196,456” and inserting “\$9,196,456,000”.

21 **SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.**

22 (a) FINDINGS.—Congress makes the following find-  
 23 ings:

24 (1) The Department of Defense and the United  
 25 States depend on the specialized expertise of nuclear

1 engineers who support the development and  
2 sustainment of technologies including naval reactors,  
3 strategic weapons, and nuclear power plants.

4 (2) Experts estimate that over 25 percent of  
5 the approximately 58,000 workers in the nuclear  
6 power industry in the United States will be eligible  
7 to retire within 5 years, representing both a huge  
8 loss of institutional memory and a potential national  
9 security crisis.

10 (3) This shortfall of workers is exacerbated by  
11 reductions to the University Reactor Infrastructure  
12 and Education Assistance program, which trains ci-  
13 vilian nuclear scientists and engineers. The defense  
14 and civilian nuclear industries are interdependent on  
15 a limited number of educational institutions to  
16 produce their workforce. A reduction in nuclear sci-  
17 entists and engineers trained in the civilian sector  
18 may result in a further loss of qualified personnel  
19 for defense-related research and engineering.

20 (4) The Department of Defense's successful  
21 Science, Math and Research for Transformation  
22 (SMART) scholarship-for-service program serves as  
23 a good model for a targeted scholarship or fellowship  
24 program designed to educate future scientists at the  
25 postsecondary and postgraduate levels.

1 (b) REPORT ON EDUCATION OF FUTURE NUCLEAR  
2 ENGINEERS.—

3 (1) STUDY.—The Secretary of Energy shall  
4 study the feasibility and merit of establishing a tar-  
5 geted scholarship or fellowship program to educate  
6 future nuclear engineers at the postsecondary and  
7 postgraduate levels.

8 (2) REPORT REQUIRED.—The President shall  
9 submit to the congressional defense committees, to-  
10 gether with the budget request submitted for fiscal  
11 year 2008, a report on the study conducted by the  
12 Secretary of Energy under paragraph (1).

13 **TITLE XXXII—DEFENSE NU-**  
14 **CLEAR FACILITIES SAFETY**  
15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 There are authorized to be appropriated for fiscal  
18 year 2007, \$22,260,000 for the operation of the Defense  
19 Nuclear Facilities Safety Board under chapter 21 of the  
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NATIONAL  
DEFENSE STOCKPILE**

**SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.**

(a) TRANSPORT AND DISPOSAL.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

### SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting “(1)” after “(g)”; and

(2) by adding at the end the following new paragraph:

“(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer’s ‘Shallow Oil Zone Provisional Recommendation of Equity Participation,’ which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer,



1 as that term is used in the Protocol on NPR-1 Equity  
2 Finalization Implementation Process, July 8, 1996, for  
3 the Shallow Oil Zone unless the Department of Energy  
4 and Chevron U.S.A. Inc. agree in writing not later than  
5 60 days after the date of the enactment of this paragraph  
6 that the independent petroleum engineer shall not be liable  
7 to either party for any cost or expense incurred or for any  
8 loss or damage sustained—

9           “(i) as a result of the manner in which services  
10       are performed by the independent petroleum engi-  
11       neer in accordance with its contract with the De-  
12       partment of Energy to support the equity determina-  
13       tion process;

14           “(ii) as a result of the failure of the inde-  
15       pendent petroleum engineer in good faith to perform  
16       any service or make any determination or computa-  
17       tion, unless caused by its gross negligence; or

18           “(iii) as a result of the reliance by either party  
19       on any computation, determination, estimate or eval-  
20       uation made by the independent petroleum engineer  
21       unless caused by the its gross negligence or willful  
22       misconduct.

23       “(B) If Chevron U.S.A. Inc. agrees in writing not  
24 later than 60 days after the date of the enactment of this  
25 paragraph that the independent petroleum engineer shall

1 not be liable to Chevron U.S.A. Inc. or the Department  
2 of Energy for any cost or expense incurred or for any loss  
3 or damage described in clauses (i) through (iii) of sub-  
4 paragraph (A), the Department of Energy shall agree to  
5 the same not later than such date.”.

Passed the Senate June 22, 2006.

Attest:

*Secretary.*

109TH CONGRESS  
2D SESSION

# **S. 2766**

## **AN ACT**

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

**June 22, 2006**

**Ordered to be printed as passed**